

Newsday

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## QUEENS

### Former LI man convicted again of posing as lawyer

A former Astoria businessman has been convicted of posing as a lawyer and a registered investment adviser and bilking seven people out of \$5 million, Queens prosecutors said yesterday.

Mohammed Rafikian, 54, whose last known address was in Westbury, was convicted Thursday by a Queens jury of one count of first-degree grand larceny, seven counts of second-degree grand larceny and six counts of second-degree criminal impersonation.

The jury also convicted Rafikian, also known as Mo Kian, of

three counts of first-degree scheme to defraud and three counts of practicing law without a license after the two-month trial. Rafikian's attorney, Steven Goldenberg of Queens, said he planned to appeal.

Rafikian was originally convicted in August 2007 on similar charges and sentenced to up to 50 years in prison.

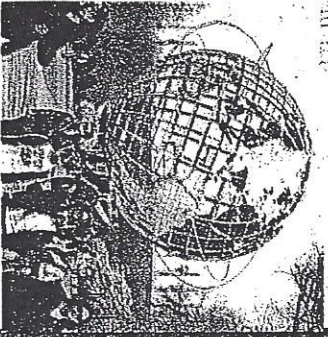
He then represented himself at trial and appealed his conviction on the basis that he proceeded without counsel.

In September 2012, the New York State Appellate Division, Second Department, determined his waiver of counsel was not knowing and voluntary, and ordered a new trial.

Rafikian, who has been in jail in lieu of bail since his arrest in May 2004, faces up to 50 years in prison at his sentencing, scheduled for Oct. 16. — DARRAN SIMON



PHOTOS BY CHRIS WARE



Pavilion visitors walk past the Unisphere yesterday.

these historic treasures. This is the most exciting and most beautiful landmark of modern composition."

Molly Yavetz, 25, of Bay-side, Queens, is too young to have witnessed the fair's wonders firsthand.

But she proudly wears a tattoo of the fair's centerpiece — the gleaming Unisphere — on the back of her neck.

"This is the only symbol we have of Queens," she said. "I love, Queens, and Flushing Meadows park."

## EX-LAWYER GETS 4 YEARS FOR URGING CLIENT TO LIE

BY JOHN RILEY  
john.riley@newsday.com

Former lawyer Barry Balaban was sentenced yesterday in federal court to 4 years in prison for urging a client to commit perjury to obstruct an investigation into Long Island banana mogul Thomas Hoey's role in a drug-related death.

Balaban, 61, who grew up in Great Neck and has long suffered from bipolar disorder and crack addiction, pleaded guilty in January to suborning perjury from client Nicole Zobkiv about a drugs-and-sex party after Hoey allegedly recruited him to approach her.

Balaban's defense lawyer called him the "perfect fall guy," and Balaban, who has been jailed for 15 months, broke down weeping after saying, "I'd just like to say how very, very sorry I am about all of this."

But U.S. District Judge Kevin Castel said that while Balaban's mental and drug problems clearly played a role in his hiring and his vulnerability to manipulation, they did not absolve him of responsibility.

"Millions of Americans suffer from mental illness and yet they conform their conduct to what is required in a civil society," the judge said. "Mr. Balaban knew right from wrong, he knew what he was doing was wrong."

Hoey, 46, of Garden City, the chief executive of the Long Is-

land Banana Co., a regional produce distributor, has been jailed since December on charges that he supplied cocaine that killed Kimberly Calo, 41, of Glenwood Landing, at a party in 2009.

He is also charged with conspiring to suborn perjury, and is charged in a separate case in state court with beating up his girlfriend Zobkiv was convicted of grand jury perjury in 2013, and is expected to be a key witness against Hoey.

Balaban attended New York University and St. Louis University law school, and became a JAG lawyer in the Navy, but was honorably discharged after his mental illness surfaced, according to his sentencing memorandum.

Castel said Balaban was hospitalized more than 50 times because of his bipolar disorder, which placed limits on his ability to practice law. He met Hoey through a friendship with Hoey's driver, and was paid \$2,000 to represent Zobkiv, according to the defense.

Balaban faced a maximum sentence of 5 years on his plea to suborning perjury from Zobkiv, and probation officials recommended a sentence of 30 months. He will get credit for the 15 months already served, and Castel ordered continuing care and mental treatment after his release. He resigned from the bar after he was charged.

## IN BRIEF

### Solar-powered kiosks tested in Bronx

The MTA is testing outdoor kiosks at one station that give subway, bus and Metro-North arrival times and can withstand the elements, Gov. Andrew M. Cuomo announced yesterday.

Two solar-powered information booths have been tested at the Metro-North Woodlawn station in the Bronx since November to see if they can withstand a nasty New York City winter.

Now, the kiosks will be matched against the summer heat under the one-year pilot program, according to Metro-North.

"These kiosks have the potential for deployment in any above-ground station where running conduits for electrical and data connectivity pose a challenge," Metro-North president Joseph Giulietti said.

If the kiosks hold up over the summer, the MTA will consider rolling out more, though there is no information on how many would be installed, according to Metro-North spokesman Aaron Donovan.

The kiosks in the pilot program are roughly \$10,000 each, but a 1998 survey by Transversal Business International, a transportation

firm that partnered with the MTA, Donovan said.

— AMNEWYORK

### Search is on for 'Wizard's' parrot

Have you seen Truman? The "celebrity" avian, a 4-year-old Cape parrot, took flight Monday morning from Bensonhurst's Satellite Park and his owner has been pacing Brooklyn ever since, searching for him.

Michael Sazhin, 27, known as "The Parrot Wizard," who writes about and performs with his exotic birds, has issued a \$1,000 reward for Truman's safe return, and is hoping some compassionate animal lover finds the parrot.

Anyone who sees the emerald green-bodied and brown-headed Truman, who weighs about 12 ounces and wears a band, is asked to call 917-318-6394 or email Michael@tranepparrot.com. "He's got no survival skills," said Sazhin, who lives in Bensonhurst.

Truman likes nuts, especially almonds, and "other birdlike stuff" and may also be attracted by an aluminum bowl full of water, but his best chance of capture would be for a Good Samaritan who sees the bird

to summon Sazhin if he is seen. Sazhin has been trained to respond to his owner's name.

— AMNEWYORK

# LAWYERS GET OK TO SCAN JURORS ON SOCIAL MEDIA

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The Associated Press

SAN FRANCISCO — Lawyers

have been given the green light to scan the social media sites of jurors. The American Bar Association says it's ethical for lawyers to scour online for publicly available musings of citizens called for jury service — and even jurors in deliberations. But the ABA does warn lawyers against actively "following" or "friending" jurors, or otherwise invading their private Internet areas. Though judges now universally admonish jurors to refrain from discussing trials on social media, the nationwide lawyers group for the first time is addressing how deeply attorneys, their investigators and their consultants can probe for information that might signal leanings of potential jurors, or unearth juror misconduct during trials.

Jurors' online postings have disrupted many legal proceedings, causing mistrials and special hearings on the effects of Facebook musings, tweets and blog writings about their trial experiences. Lawyers and judges have also been wrangling over how far attorneys can go in assembling a jury with help from online research of social media habits. A few judges have denied lawyers permission to research social media sites as overly invasive, while others have allowed it. One company has gone so far as to develop a software product that promises to create a juror profile through social media posts and monitor jurors during the trial.

The ABA's ethics committee began reviewing the issue and concluded in April that looking at Facebook posts, Twitter tweets and other information gathered passively is ethical research. "It's like any other publicly available information," said Donald Lundberg, an Indianapolis attorney who helped draft the ABA's opinion as an ethics committee member. Lundberg said one of the thornier issues for the committee was whether lawyers could view LinkedIn and other social media sites that notify members that they have been searched.

Ultimately, the ABA committee decided a LinkedIn search was ethically sound, which runs counter to an opinion issued by the New York City Bar Association in 2010 that said any notice sent to a potential juror about a search amounts to an unauthorized communication.

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# Weighing personalities when hiring



**SMALL BUSINESS**  
Jamie Herzlich  
jherzlich@aol.com

**W**hile finding employees with the right skill set is still important to employers, personality is playing a greater role in their hiring decisions.

A survey by Stockholm-based Universum found 88 percent of employers placed more weight on finding a good cultural fit for their organization than on specific skills. Among the top personality traits identified by employers polled were professionalism, high energy and confidence.

"When someone joins an organization they are joining a team," says Joao Araujo, global marketing director for Universum, an employer branding firm. "In today's collaborative world it is more important to ensure that teams are balanced when it comes to their personalities than

to guarantee that they have the ultimate best skills."

Still, skills were a high priority for 82 percent of the 2,641 survey respondents.

**■ Personality can't be taught:** You can train people when it comes to skills, says Araujo. It's more difficult to change someone's personality. So how do you know the right personality fit for your organization?

"It depends on the job," says Dr. Herb Greenberg, founder and CEO of Caliper Corp., a Princeton, N.J., human resource development company.

If you're looking for a sales person, you want someone with "ego drive," he says, who "likes him or herself if someone says yes to them." That quality's not so important in an accounting position, Greenberg notes.

Caliper offers personality assessments, in which job candidates answer about 150 questions to see if they're the right fit. To decide which personality traits work best for your compa-

ny, start by understanding the traits needed to succeed in the specific job you're trying to fill, Greenberg says.

When interviewing, don't just ask candidates what they did in their last job, he adds. Ask questions to delve deeper, such as what they loved most about it and what they couldn't stand.

If you need someone who displays confidence on the job, ask, "What are the top two accomplishments you had in your previous job?" and listen to what they say and how they say it, says Linda Berke, president of Farmingdale-based Taylor Performance Solutions, which provides career coaching for employees and helps managers conduct effective interviews.

If you're looking for someone who's empathetic and likes working with people, offer a scenario of a complaint from an angry customer and ask how the interviewee would respond, she says. To the personality traits identified in the Universum study,

Berke would add listening, noting "it's required for every job."

For Angelo Garcia, principal industrial hygienist at Future Environment Designs in Syosset, being outgoing and personable are key traits for new hires. The company is an indoor air quality and industrial hygiene consulting and training firm, so it works with customers very closely.

**■ Skills still matter:** "It's important they have a friendly greeting and manner," says Garcia. With some applicants, he says, it's like "pulling teeth" to get them to talk — an immediate sign it's not a good fit.

Finding a good communicator is also key for Richard Pfadenhauser, president of Paylogix LLC in Westbury, a financial services and technology provider for health and welfare programs.

He can size up an applicant in an initial phone interview by seeing if the person plays an active role in the dialogue. Being self-motivated and detail-oriented are also key, but he doesn't dis-

TOP TRAITS	
Professionalism	86%
High energy level	78%
Confidence	61%
Self-monitoring	58%
Intellectual curiosity	57%
Authenticity	48%
Conscientiousness	48%

Source: Universum survey

count the need for good skills: "Personality does play a role, but if you don't have the skills, personality is only going to get you so far."