

Before the
N. H. Board of Barbering, Cosmetology and Esthetics
Concord, New Hampshire

In the matter of:

Myles C. Dorney
Cosmetology and Master Barber Instructor License Number 11443
(Adjudicatory Proceeding, Show Cause Hearing)

Docket No. 2011-01

DECISION AND ORDER

By the Board: Leanne Lummis, Chair,
Holly Manning, Kathleen Humes, Aaron Losier, Board Members.

Appearances: Laurel O'Connor, Hearing Counsel
Myles C. Dorney, Respondent

BACKGROUND

On or about November 4, 2010, the Board received Respondent's renewal application for his cosmetology instructor license. In the renewal application, Respondent answered "yes" to question 3 and provided the Board with a copy of an administrative order. Based on the Administrative order, the Board found a reasonable basis for commencing an adjudicatory proceeding pursuant to RSA 313-A:22 and Bar 401.02 to show cause why the Board should renew Respondent's license. The Notice of Hearing noticed the hearing for February 7, 2011 at 9:30am. Mr. Dorney appeared as scheduled.

BACKGROUND NARRATIVE

The Board has the authority to grant cosmetology instructor licenses. See RSA 313-A:11. In 2004, the Board granted the Respondent a license to practice as a cosmetology instructor in the State of NH. The Respondent holds cosmetology instructor license #11443. The cosmetology instructor license is the Respondent's personal license.

The Board has authority to grant master barber instructor licenses. See RSA 3113-A:10. In 2006, the Board granted the Respondent a license to practice as a master barber instructor in the State of NH. The Respondent holds master barber instructor license #11443. The master barber instructor license is the Respondent's personal license.

FINDINGS OF FACT

The Board took into consideration the testimony provided by the Respondent at the hearing. The Board found the Respondent to be truthful, reasonable and candid. The Board further found that the Respondent's statements that he was "able to be honest" and "able to be upfront with his shortcomings," were true.

The Board left the record open for the Respondent to submit a letter from his physician. The Board received a letter on 2/7/11 from Lester P. Nicholson, MD. In this letter Dr. Nicholson states the following: " I am writing at the request of my patient, Myles Dorney, to inform you that I examined him today in my office and found him not to be a danger to himself or others."

DISCUSSION AND CONCLUSION

The Board has authority to undertake disciplinary action against a licensee, after a hearing and a finding that the licensee has mental or physical incompetency to practice under this chapter. See RSA 313-A:22, II(f). Subsequent to the hearing, the Board has not made such a finding as to this Respondent.

ACTION

THEREFORE, IT IS ORDERED, that the Respondent's cosmetology instructor license be renewed without restriction.

IT IS FURTHER ORDERED, that the Respondent's master barber instructor license shall not be restricted.

IT IS FURTHER ORDERED, that this order shall a permanent part of the Respondent's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED, that this Order shall take effect as an Order of the Board on the date an authorized representative of the Board signs it.

BY ORDER OF THE BOARD

Date 5-9-11


Kathryn Wantuck
Authorized Representative of the Board