

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

---

**BOARD OF NURSING**

**In Re: Ciera Mack,  
Applicant for LNA Licensure by  
Endorsement**

Docket No.: 2022-NUR-0050

**FINAL DECISION AND  
ORDER – 12/15/22**

**I. ATTENDEES**

Samantha O'Neill, Board Chair  
Joni Menard, Board Vice-Chair  
Melissa Tuttle, Board Member  
Melissa Underhill, Board Member  
Matthew Kitsis, Board Member  
Maureen Murtaugh, Board Member  
Michele Melanson-Schmitt, Board Member  
Wendy Stanley-Jones, Board Member  
Dwayne Thibeault, Board Member  
Attorney Lauren Warner, OPLC Board Counsel  
Ashley Czechowicz, OPLC Board Administrator  
Jeanne Webber, OPLC Board Administrator  
Attorney Nikolas K. Frye, OPLC Hearings Examiner and Presiding Officer

**II. CASE SUMMARY/PROCEDURAL HISTORY**

On or about 09/15/22, the Office of Professional Licensure and Certification (“OPLC”) received a completed LNA application for endorsement from Ciera Mack (“Applicant”) on behalf of the New Hampshire Board of Nursing (“Board”). On 10/27/22, due to concerns about why the Applicant failed to disclose certain criminal history on her application (specifically a 2008 felony conviction), the Board voted to commence an adjudicatory hearing. The purpose of the hearing was to obtain clarification on why she failed to disclose the conviction and determine if the Applicant meets the qualifications for licensure

as an LNA by endorsement pursuant to RSAs 326-B:16 and 19. A Notice of Adjudicative Hearing followed, and the Board then held the adjudicatory hearing on 12/15/22 at 1:00 PM EST. This Final Decision and Order follows.

**III. SUMMARY OF THE EVIDENCE**

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 207.09:

a. Exhibits were submitted by the Board, numbered as follows:

1. Applicant's application and related documentation submitted therewith

b. Exhibits were submitted by Applicant, labeled as follows:

A. None.

b. Testimony was received from:

A. Not applicable, the Applicant failed to appear.

**IV. PRELIMINARY MATTERS**

The Applicant failed to appear for the hearing, which was available via in-person and Zoom. The Board took administrative notice of its file in this matter. The Board's file shows the Applicant appeared for the prehearing conference in this matter held on 12/07/22 at 9:00 AM EST. The information for joining the prehearing conference was contained in the Notice of Hearing for the show cause hearing. The Board's file shows the Notice of Hearing contains the date, time, and location of the adjudicatory hearing, as well as the items required by RSA 541-A:31, III. At the prehearing conference the Applicant requested to attend the hearing via Zoom. She followed upon this request by submitting a written request to appear via Zoom, which the Presiding Officer granted same day. The Board Administrator explained that she had emailed the order and a Zoom link together to the Applicant. She had also submitted a follow up email to inquire if the Applicant was going to be present but never heard back from her.

Based upon the foregoing, the Board finds that it has complied with the service requirements under RSA 326-B:38, IX. The Board additionally finds that it has provided "notice reasonably calculated, under

all the circumstances, to apprise ... [the Applicant] ... of the pendency of the action and afford ... [her] ... an opportunity to present ... [her] ... objections.” See, i.e., *Jones v. Flowers*, 547 U.S. 220, 225-26 (2006). Although not necessarily required in this situation, the Board also finds its record demonstrate that the Board took “additional reasonable steps” to provide notice to the Applicant. See *Id.* For these reasons, the Presiding Officer recommended to the Board that it move forward with the hearing *in absentia* (without the Applicant present), pursuant to Rule 208.02(f). The Board voted unanimously in favor of this recommendation. **THIS ORDER SERVES AS THE PRESIDING OFFICER’S WRITTEN MEMORIALIZATION OF THAT RECOMMENDATION TO THE BOARD. PARTIES AND INTERVENORS HAVE 10 DAYS FROM THE DATE OF THIS ORDER TO FILE ANY WRITTEN OBJECTIONS WITH THE BOARD REGARDING THAT DECISION. RULE 208.02(F).**

**V. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED**

The Applicant bears the burden of proof by a preponderance of the evidence with respect to Issue Presented II.d.1, which states: “[w]hether or not the Applicant meets qualifications for licensure as an LNA pursuant to RSA 326-B:16(III) and Rule 302.01 (b), notwithstanding (her failure to disclose her criminal history on her license application as it pertains to a 2008 felony conviction.” NOH at II.d.1. The Applicant provided no additional documentation in advance of the hearing, aside from the materials previously submitted with her application and upon which the Board had initially determined it desired to notice this application for a hearing. The Board accepted the Applicant’s previously submitted application materials as a full exhibit. No witnesses testified.

**V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

After reviewing all the evidence and drawing all reasonable inferences therefrom, the Board finds the Applicant has failed to meet her burden of proof by a preponderance of the evidence that she is

qualified for licensure despite the discrepancy between what her criminal record shows and what she stated she had for a criminal record on her application. The facts are straightforward: the Applicant failed to appear for the hearing or provide any additional documentation upon which the Board could determine that she was qualified for licensure, despite the Board's concern with her failure to disclose her past criminal history. Her application for licensure is therefore denied.

**VI. ORDER AND DECISION:**

Pursuant to RSA 326-B:16, RSA 326-B:21, and Rules 300 et seq., the Board hereby DENIES Ciera Mack's application for LNA by endorsement.

DATED: 12/20/2022

\_\_\_\_\_/s/ Nikolas K. Frye, Esq.\_\_\_\_\_  
Nikolas K. Frye, Esq., Hearings Examiner  
Authorized Representative of the Board of Nursing-  
New Hampshire Office of  
Professional Licensure & Certification  
7 Eagle Square  
Concord, NH 03301