

EXHIBIT 1



Nevada State Board of Massage Therapy
1755 E. Plumb Lane Suite 252
Reno, NV 89502
Phone (775) 687-9955
Fax (775) 786-4264
Email: nvmassagebd@lmt.nv.gov
Website: <http://massagetherapy.nv.gov>

PROCEDURES TO FOLLOW WHEN FILING A COMPLAINT

- 1) You are the Complainant/Consumer. You must state all the facts concerning the incident you are reporting. Use full names of people; give the complete address for the location of the incident, relevant dates and times. Please provide the full details of the incident. The person you are making this complaint against is the Respondent.
- 2) Please print or have the form typewritten. It is essential that we be able to read the complaint.
- 3) You may mail or fax the attached documents to the address above for processing.
- 4) You may call and speak with an investigator.
- 5) Once your complaint is completed, please send the complaint and all supporting evidence to the address listed above. Upon receipt, the complaint will be reviewed and assigned for investigation.

NOTE: The investigation can take up to ninety (90) days. After the investigation is completed, the entire file will be reviewed by the Board Attorney to determine if a hearing should be held. If a hearing is scheduled, you will be notified and may be called to testify before the Board.



Consumer Complaint

Complainant: Genevieve M Young
Complainant Address:
Preferred contact number:
Preferred contact email:
Respondent: Thomas Maher dba Tommy Maher
License #: NVMT.1717
Date of Incident: 10/8/2021
Location of Incident:
Lapis and Oak Spa

615 S. Green Valley Parkway Ste 120 Henderson 89052 NV

Have you reported allegations to another state agency or local government entity? Y N

If Yes, please provide name and contact information for agency or local government entity:

If possible, I would like to escalate this issue to the other appropriate authorities or agencies. Please provide additional agencies, if applicable

If Yes, please provide complaint or case number if any: N/A



Statement:

To Whom it May Concern,

My name is Genevieve (Genna) Young, and I am writing this complaint to formally act against Thomas (Tommy) Maher. On September 27th, 2021 I became a patron of Lapis and Oak Spa in Henderson NV. Lapis and Oak Spa is currently owned and operated by Tommy Maher. I visited Lapis and Oak a total of three times between September 27th, 2021 and October 8th, 2021. I will begin by providing background, discuss my first and second visit, because I believe it is relevant to the incident. Then, I will discuss the incident with Tommy Maher which occurred on my third visit, and ultimately resulted in this complaint (along with a visit to the Emergency Room and a diagnosis of a cervical sprain).

First Visit – September 27th, 2021:

I came to Lapis and Oak the first time on a whim, and because I was experiencing shoulder pain from a long-standing and recurring shoulder injury. Although this was my first visit to Lapis and Oak, it was not my first experience with massage. I have been using massage therapy to alleviate stress and pain since 2015 and I have happily received over 25 massages since my journey with massage therapy began. My appointment was with a new therapist named Frank, and I did not have any issues with this appointment. I felt as if Frank did a great job, and my pain was alleviated in some form. I left gratuity, as is customary, and I was told to come back in 1-2 weeks as my neck and shoulders were carrying a lot of tension that was contributing to my pain and discomfort – this was advice and words given by Frank as a result of my visit. I initially left Lapis and Oak a 5-Star review on Yelp as a result of this visit.

Second Visit – October 6th, 2021:

Again, I came to Lapis and Oak on a whim. I scheduled my partner a massage at Lapis and Oak and last-minute decide to join him. I was scheduled with a therapist named 'Liz'. I chose Liz specifically as I am more comfortable with female therapists, she was 'Lead' therapist, and she had a background handling/massaging and treating injury (based on her bio on the Lapis and Oak site). When I arrived,

late due to work commitments, I was hastily checked in and partnered with a therapist named 'SJ'. I was SJ's last appointment of the day and upon meeting it was obvious that SJ was very tired – she was noticeably yawning and stretching. Although I was dismayed, I proceeded with my appointment because I was already 10 minutes late and wanted to give SJ the benefit of the doubt.

SJ's fatigue was obvious throughout the massage as she was using mostly her elbows and arms to massage me. Similar to my first visit, I received muscle scraping during my massage with SJ. However, this time I felt the muscle scraping was performed with too much force. Additionally, the muscle scraping tool was used to massage and apply pressure during this visit. Reflecting back, I personally believe this was done to alleviate strain on the massage therapist's hands, due to fatigue, or due to a lack of adequate training performing muscle scraping. Nonetheless, as I was and am new to muscle scraping (this was my second time receiving it), I wasn't sure if this was appropriate. The pressure during this visit never had me in pain, but the massage in general was not meeting expectations. SJ also mentioned to me that she was an expert in 'chair' massage, and I was slightly upset due to the nature of this massage (table) and the emphasis I placed on having a therapist that was knowledgeable of injury and what/what not to do. The session ultimately ended, and I left gratuity for SJ, as is customary, but less than I left for Frank during the first visit.

The Night of the Second Visit – October 6th, 2021

Although I was not in pain during the massage, soon after it was apparent that the massage had done more harm than good. I felt that the massage I received aggravated my injury, and I was unhappy with my experience because I was seen by SJ and not Liz. This caused me to follow up with the 'Manager' of Lapis and Oak about my experience via email. I have attached the email to this documentation.

October 7th, 2021

Around midday I was contacted by the receptionist of Lapis and Oak regarding my email. I expressed my unhappiness which had increased since the prior night because I was in pain. She told me that the Manager, Tommy Maher, would contact me to discuss my concern. Tommy called me later that day and apologized for the issues I faced. He offered a comped massage with him in response and to help alleviate the pain I was now feeling. I accepted. The massage was scheduled for October 8th, 2021 at 4 pm.

The Incident - October 8th, 2021

I arrived promptly around 4pm for my 50-minute massage with Tommy Maher. From the start I felt uneasy as it was apparent Tommy was in some way offended by my complaint about my experience, but I continued with the appointment as I was desperate to alleviate my discomfort.

When we arrived in the massage room Tommy asked me about my injury and lifestyle. I told Tommy that I have Bursitis in my right shoulder, it is a recurring injury I have had since 2016, and which I believe also contributes to neck tension due to the injury causing issues with my posture. Immediately Tommy looked at me and said, "No, that's not what is wrong with you. You have a rib out. I can tell just by looking at you." He continued, "Who diagnosed you with Bursitis?" making a face as if this diagnosis was ridiculous. I said I have been diagnosed by a Pain Management doctor. He said, "A real doctor?" to which I said yes, a real doctor. To my response Tommy said "No, I don't think so. I have

never seen anyone your age with Bursitis. You have a rib out and your hips are out of alignment. I am going to fix you." He continued, "If I had listened to Doctors, I'd be out of business by now."

In that moment I was shocked and confused. Mainly because I have had Bursitis diagnosed on three separate occasions by three different physicians (both D.O. and M.D.). This diagnosis came as a result of many appointments, x-rays, body scans, and ultimately ultrasounds of my shoulder. Despite this, I somehow thought he may be right! Maybe these Doctors were all wrong? I know now that **Tommy had gone beyond the scope of his licensure**, and those providers were both not wrong and more knowledgeable about my condition than Tommy who had disregarded my medical history and concerns. I really wish I left at this point in time. However, as I mentioned prior, I was both desperate to alleviate my pain and now confused so I continued with the appointment.

The appointment began like any other, just a normal massage and nothing special. However, as the appointment continued, I became increasingly uncomfortable. During the massage Tommy asked me "Do you have any events this weekend" to which I replied no. As I said no, Tommy placed cupping cups on my neck and back without warning.

Now, I implore you to put yourself in my shoes in this moment. I am a small woman, naked on a massage bed, and my male therapist is both making me uncomfortable and performing procedures without warning or consent. At this moment, I truly did not know what to do. All that I could muster was 'I didn't know that you guys offer cupping.' And with that I really just hoped and tried to reassure myself that Tommy knew what he was doing, and I was going to feel better.

The massage continued as normal, after the cupping incident, but in the last 15-20 minutes of the session Tommy began performing structural adjustments to my body. I believe these were intended to fix my "rib out" and the "misalignment of my hips". Again, **Tommy had gone beyond the scope of his licensure and he was now performing activities which he was not qualified to perform.**

From my own research, Massage Therapists work with muscles and blood flow, and **should NOT perform structural work akin to Chiropractic adjustments.** Let me assure you, these adjustments were not unintended adjustments, and they were not made as a result of manually moving my body due to my inability to move it. Tommy performed adjustments on my hips, both right and left, by twisting either leg across my body and pushing down on the respective hip with force. This resulted in a large crack, but no pain. At this point I truly was uncomfortable, but I felt trapped.

Then, as I was laying on my back, Tommy grabbed a small towel, and put it under my neck. He proceeded to lift my neck by force using the towel and told me to "relax" as he was "stretching my neck". Then, **Tommy performed a cervical adjustment without my consent and with no warning.** As Tommy was lifting and "stretching" my neck, he suddenly pulled the towel and my neck along with it. I only realized what was happening when it was too late, and when I did, I was horrified. I had been cautioned by my partner, a student doctor, to never have a cervical adjustment performed, and especially by someone unlicensed and untrained.

Once Tommy pulled my neck and performed the cervical adjustment, there was what I can describe as a burst of pain in my neck. I was stunned, due to lack of warning, and also very scared at this point. I could see there were only minutes left on the clock. Tommy said "How does it feel? I bet you feel great. You're out of pain!" and he told me to turn my neck so I could see my "mobility". It was then



that I realized I could barely turn my neck. I replied to Tommy that it “still hurt” but did not describe the extent of my pain because I did not want him to touch my neck further.

Tommy assured me he would have me “fixed” within 3 appointments and reiterated that I had “a rib out” and “hip misalignment” which he had now “fixed”. He even said I was “breathing easier/differently” as a result of his structural work. Again, **he had gone beyond the scope of his licensure**. I exited in a daze, tipped on the appointment as is customary (not knowing the damage that had been done), and got in my car. Immediately, I called my boyfriend and recanted the experience. I also texted my best friend immediately following the appointment describing how bizarre it was and how scared I was. ~~I have included those texts with this documentation.~~

The Following Day – October 9th, 2021

Following the appointment, I was in extreme pain on the side of my neck opposite of my injury (left side) (and the side of my neck that was and had never previously experienced pain). My neck pain was so severe late that night that I woke up and threw up. The next day the pain increased, and it was hard for me to do anything without complaint. I felt dizzy and nauseous all day and my neck hurt severely. Around 4 or 5 pm, I asked my partner if he thought we should go to the ER. We began to research the impact of improper cervical adjustments and resulting cervical dissection. I began to panic as I exhibited symptoms and we made our way to the ER. The treating physician was concerned enough by my symptoms to order a CT scan, and I ultimately was released and diagnosed with a cervical (neck) sprain.

Conclusion

As I write this I am still in pain. My mobility has not returned, and this is the worst neck pain I have ever experienced. As a result of this injury, I have had to cancel the 5k run I was training for, and I have lost the ability to attend the group fitness classes I love. I cannot do day to day activities pain-free, and I believe that is a result of **Tommy going beyond the scope of his licensure and performing activities which he was not qualified to perform.**

The structural work and cervical adjustment Tommy performed on me, void or consent or warning, blatantly exploited the vulnerability I felt during the massage. I believe **Tommy’s actions should result in disciplinary action.**

Like I mentioned previously, I receive massages religiously. I am not just a disgruntled customer; I am an educated individual concerned about the health and well-being of others. Although I knew my body, my condition, and my needs going into the appointment with Tommy I was dissuaded by his ill-informed, inappropriate, and **out of scope** comments on my condition. As a result of fear and confusion, I was captive when **Tommy performed structural work which he was not qualified to perform**. Please don’t let this happen to others, as it surely will if action is not taken against Tommy Maher.



(This section contains horizontal lines for writing.)

Use additional pages if necessary:

Per Nevada Revised Statute (NRS) 53.045 – If executed in the State of Nevada: I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/8/21 (date)

Signature: 

