

IN THE MATTER OF

*

BEFORE THE MARYLAND

DOMINIC CARMON

*

STATE BOARD OF MASSAGE

Applicant

*

THERAPY EXAMINERS

Expired License Number: M05580

*

Case Number: 24-23M

* * * * *

FINAL ORDER

On or about _____ April 23, 2025, the

Maryland State Board of Massage Therapy Examiners (the “Board”) notified **DOMINIC CARMON** (the “Applicant”), Expired License Number **M05580**, of the Board’s intent to **DENY** his Application for License or Registration in Massage Therapy pursuant to the following provisions of the Maryland Massage Therapy Act (the “Act”), Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2021 Repl. Vol. & 2024 Supp.):

Health Occ. § 6-308. Denials, reprimands, suspensions, and revocations.

- (a) *In general; grounds.* -- Subject to the hearing provisions of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a licensee or registration holder, place any licensee or registration holder on probation, or suspend or revoke the license of a licensee or the registration of a registration holder if the applicant, licensee, or registration holder:

(11) Has violated any provision of this title[.]

Health Occ. § 6-501. Practicing without license.

- (a) Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice massage therapy,

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massage, myotherapy, or any synonym or derivation of these terms in the State unless licensed or registered by the Board.^{1, 2}

In the Notice of Intent to Deny, the Board informed the Applicant of the opportunity for a hearing before a final decision is rendered in this matter, and that, if the Applicant does not submit a written request for a hearing to the Board's Executive Director within thirty (30) days of service of the Notice, the Board would sign this Final Order denying the application. More than thirty (30) days have elapsed, and the Applicant has not requested a hearing.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. Licensure and Employment

1. The Applicant was initially authorized to practice massage therapy in the State of Maryland on or about April 16, 2013. The Applicant's LMT license, license number M05580, expired on October 31, 2016. On or about March 26, 2024, the Board received an Application for License or Registration in Massage Therapy (the

¹ Per Health Occ. § 6-101(f)(1), "'Practice massage therapy' means the professional use of manual techniques on soft tissues of the human body for compensation including stroking, kneading, tapping, stretching, compression, vibration, and friction, with or without the aid of heat limited to hot packs and heating pads, cold water, or nonlegend topical applications, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscular pain, reducing stress, or promoting health and well-being."

² Per COMAR 10.65.01.04(B)(9), "'[p]ractice massage therapy' means to engage professionally and for compensation in massage therapy."

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“Application”)³ submitted by the Applicant. The current status of the Applicant’s license is “non-renewed.”

2. On February 28, 2024, the Applicant entered into an employment agreement with his wife (the “Employer”)⁴, who owns and operates a business in Rosedale, Maryland that offers massage therapy and skin care services (the “Company”), in which the parties agreed, *inter alia*, that the Employer “shall employ [the Applicant] as a Massage Therapist on a part-time basis of up to 20 hours per week.”

II. Board Complaints

3. On or about March 20, 2024, the Board received a complaint (“Complaint 1”) filed by an individual (“Complainant 1”) who reported that she was considering booking a massage appointment with one of the Company’s employees, the Applicant, until she attempted to verify the Applicant’s Maryland license and learned that the license was not current and had not been renewed since 2016. Complainant 1 attached screenshots from the Company’s website, including a screenshot of the Applicant’s profile which stated, *inter alia*, “[The Applicant] is one of our talented Massage Therapists. He started at

³ Per Health Occ. § 6-306(b)(1), “The Board may not reinstate the license of a former licensed massage therapist [...] who fails to apply for reinstatement of the license [...] within 5 years after the license [...] expires.” Per Health Occ. § 6-306(b)(2), “If the Board does not reinstate a license [...] under paragraph (1) of this subsection, a former licensed massage therapist [...] may apply for a new license [...] by meeting the licensing [...] requirements in effect at the time of application for obtaining a new license [...] under this title and any additional requirements determined by the Board.”

⁴ For confidentiality and privacy purposes, the names of individuals and institutions involved in this case are not disclosed in this document. The Applicant may obtain this information by contacting the administrative prosecutor.

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[the Company] in March of 2024. He graduated from [an educational institute] in 2012. He has been a licensed, practicing Massage Therapist for 5 years.”

4. On April 16, 2024, the Board received a second complaint (“Complaint 2”) from another individual (“Complainant 2”) who reported that she was considering booking a massage appointment with the Applicant until she attempted to verify the Applicant’s license and learned that the Applicant has not held a current Maryland license since October 31, 2016. Complainant 2 also reported that “the information [the Company] provided indicated that [the Applicant] had been practicing for 5 years and that he began working for them since March of 2024.”

III. Board Investigation

5. The Board conducted an investigation of the Applicant (under Case Number 24-23M) and the Employer (under Case Number 25-07M). As part of its investigation, the Board, *inter alia*, obtained records from the Company, obtained written statements from two clients of the Company, and interviewed the Applicant and the Employer under oath.

The Board’s investigation revealed:

6. In April 2024, the Applicant, while acting in his professional capacity as an employee of the Company, provided massage therapy services to at least eleven clients. Though the Applicant and the Employer deny that the Applicant was compensated for his services as a massage therapist, the Company’s records show that at least five clients paid the Company for massages performed by the Applicant in April 2024.

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7. During a recorded interview with the Board's Investigator on June 14, 2024, the Applicant admitted that he provided massage to several clients while employed by the Company and waiting for his license to be renewed. The Applicant stated that between the end of March and the time that he received the Board's notification,⁵ he provided massages to "maybe six, maybe six clients."

8. The Company's appointment book records show that the Applicant provided massage therapy services to eleven clients between April 2, 2024 and April 20, 2024.

9. On or about December 3, 2024, the Board issued a *subpoena duces tecum* to the Employer for the Company's records relating to five of the eleven clients whom the Applicant massaged in April 2024. The Company's records sent in response revealed that:

- a. Client 3 paid \$90 for a 60-minute massage performed by the Applicant on April 5, 2024. She tipped \$18 for the massage.
- b. Client 5 paid \$108 for a 60-minute massage performed by the Applicant on April 14, 2024. He tipped \$18 for the massage.
- c. Client 6 paid the Company \$130 for a 90-minute massage performed by the Applicant on April 14, 2024. He tipped \$26 for the massage.
- d. Client 8 paid the Company \$90 for a 60-minute massage performed by the Applicant on April 18, 2024. He tipped \$18 for the massage.
- e. Client 9 paid the Company \$130 for a 90-minute massage performed by the Applicant on April 19, 2024. He tipped \$30 for the massage.

10. On December 11, 2024, the Board's Investigator sent questionnaires to the five clients for whom the Board previously obtained the Company's records. The Board received responses from two clients:

⁵ The Board initially notified the Applicant about this matter on April 26, 2024.

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- a. Client 3 confirmed that the Applicant massaged her on April 5, 2024, that she was not notified that the Applicant did not have an active license, and that she paid for the massage using a credit card.
- b. Client 6 confirmed that the Applicant massaged him on April 14, 2024, that he was not notified that the Applicant did not have an active license, and that he paid for the massage using a credit card.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's conduct, as set forth above, in whole or in part, constitutes a basis on which to deny the Application pursuant to Health Occ. § 6-308(a)(11) and § 6-501(a).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of June, 2025, by the affirmative vote of a majority of the Board considering this case:

ORDERED that Applicant **DOMINIC CARMON's** Application for License or Registration in Massage Therapy is hereby **DENIED**; and it is further

ORDERED that this is a Final Order of the Board, and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

06/25/2025

Date

Sharon Oliver

Sharon J. Oliver, MBA, Executive Director,
Maryland State Board of Massage Therapy Examiners

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NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 6-310, the Applicant may petition for judicial review of this final decision of the Board as allowed by the Maryland Administrative Procedure Act. Any petition for judicial review shall be filed within thirty (30) days of the date of this Final Order and shall be made as provided for in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-222 and Title 7, Chapter 200 of the Maryland Rules.

If the Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:⁶

Sharon J. Oliver, MBA, Executive Director,
Maryland State Board of Massage Therapy Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

⁶ At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.