

**BEFORE THE BARBERING AND COSMETOLOGY ARTS AND SCIENCES BOARD
OF THE STATE OF IOWA**

<p>IN THE MATTER OF</p> <p>Kaley Phillips License No. 124066</p> <p>RESPONDENT</p>	<p>CASE NO.: 24-0031</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</p>
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COME NOW the Iowa Barbering and Cosmetology Arts and Sciences Board (“Board”) and Kaley Phillips (“Respondent”), and enter into this combined Statement of Charges and Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 481 Iowa Administrative Code rule 506.5.

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa Esthetician license 124066 on October 10, 2024. Respondent’s Iowa Esthetician license is active and will next expire on March 31, 2026.
2. **Practice Setting.** Respondent is an Iowa licensed esthetician who practiced in Bettendorf, Iowa, during the time-period relevant to these allegations. Respondent currently lives in the State of Illinois.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 157, and 272C and 481 Iowa Administrative Code rule 945.
4. **Allegations.** On January 23, 2024, the Board received a complaint alleging Respondent was practicing barbering and cosmetology services without an individual license and without a salon license, and permitting unlicensed individuals to practice in Respondent’s salon. Respondent was previously named in a separate investigation by the Board against a third-party, during the course of which Respondent was informed that she could not practice without a license. On

October 4, 2024, Board investigators Kaylynn Munoz and Matthew Celentano conducted an unannounced visit to Respondent's salon. Upon arrival, three individuals were seen performing services, none of whom could produce an ID or Iowa license. A sample of liquid nail monomer was taken for methyl methacrylate testing. The state hygienic laboratory at the University of Iowa tested the sample and the results came back positive. Investigator Munoz later followed up with Respondent regarding two of the individuals present during the unannounced visit who claimed to be licensed in Illinois. Respondent stated that "both have to retake their state tests." Investigator Munoz also asked Respondent about the classes she offers. Respondent admitted to providing classes to unlicensed individuals, but denied previously teaching at the studio subject to the earlier investigation. Various posts on Respondent's social media accounts show her advertising classes at the studio subject to the earlier investigation.

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under 645 Iowa Administrative Code rule 65.2(33) (2023) for performing cosmetology services, with or without compensation, in any place other than a licensed salon or a licensed school of cosmetology arts and sciences.

COUNT II

6. Respondent is charged under Iowa Code section 157.11 (2023) for operating as a salon without a salon license.

COUNT III

7. Respondent is charged under Iowa Code section 157.8(2) (2023) for operating as a school of cosmetology arts and sciences without a school license.

COUNT IV

8. Respondent is charged under Iowa Code section 157.8(3)“c” (2023) and 645 Iowa Administrative Code rule 60.2(2) (2023) for failing to obtain an instructor’s license before teaching classes on the practice of cosmetology arts and sciences.

COUNTS V-VI

9. Respondent is charged under 645 Iowa Administrative Code rule 65.2(28) (2023) for permitting an unlicensed employee or person under the licensee’s control to perform activities that require a license. Respondent is charged with two (2) violations of this provision.

COUNT VII

10. Respondent is charged under 645 Iowa Administrative Code 63.18(1) (2023) for having cosmetic products on the salon premises containing substances which have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products. Prohibited products include liquid methyl methacrylate. The presence of a prohibited product in a salon is prima facie evidence of that product’s use in the salon.

C. SETTLEMENT AGREEMENT

11. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

12. To resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent will be issued a citation and warning for Count VII in the Statement of Charges.
- b. Respondent will pay a civil penalty in the amount of six thousand dollars (\$6,000).

13. In entering this Order, Respondent acknowledges the following:
- a. This Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.
 - b. Counsel for the State will present this Order to the Board *ex parte*.
 - c. I have the right to be represented by counsel in this matter.
 - d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.
 - e. I waive my ability to review the investigative file in this case.
 - f. I understand this Order will be part of my permanent licensure file and may be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
 - g. I am voluntarily entering into this Order.
 - h. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
 - i. I understand the Board will report this Order to the National Practitioner Databank. The report to the database will reflect the language included in this Order.
 - j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.

12. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Board approval of

this Order.

13. This Order constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

14. This Order shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

15. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

16. The Board's approval of this Order shall constitute a **Final Order** of the Board.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. CITATION AND WARNING: Respondent is hereby **CITED** for having cosmetic products containing liquid methyl methacrylate, a product prohibited by the FDA, on her salon's premises, in violation of 645 Iowa Administrative Code rule 63.18(1) (2023). Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action against Respondent's Iowa Esthetician license.

B. CIVIL PENALTY: Respondent shall pay a civil penalty in the amount of six thousand dollars (\$6,000.00); due within six (6) months of Board approval of this Order. Respondent may contact the Board to request a payment plan and make any necessary arrangement to ensure timely payment of the civil penalty. Respondent shall make her check payable to the "State of Iowa" and mail the check to:

Iowa Board of Barbering and Cosmetology Arts and Sciences
C/O Mary Collins, Executive Officer

6200 Park Avenue
Des Moines, Iowa 50321

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Kaley Phillips on this 21 day of
January, 2025.


Kaley Phillips (Jan 21, 2025 20:31 CST)

By: Kaley Phillips, Respondent

FOR THE IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES:

Voluntarily agreed to and accepted by the **IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES** on this 17 day of February, 2025.



Cynthia Hummel, Chair
Iowa Board of Barbering and
Cosmetology Arts and Sciences