

**STATE OF IOWA
BEFORE THE IOWA BOARD OF NURSING HOME ADMINISTRATORS**

IN THE MATTER OF:

ROGER HOLDEMAN

License No. 02445

RESPONDENT

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CASE NO. NHA 09-004

**BOARD ORDER:
DISMISSAL WITHOUT
PREJUDICE**

Now on June 28, 2010, the Motion to Voluntarily Dismiss the pending Notice of Hearing and Statement of Charges without prejudice and continue the pending hearing is granted in the above entitled case that was scheduled for hearing on July 15, 2010. Motion in support thereof states:

1. On October 15, 2009, the Board filed charges against Respondent for (a) conviction of a crime related to his profession or occupation or the conviction of any crime that would affect his ability to practice as a nursing home administrator, and (b) engaging in unethical conduct.
2. The “Factual Circumstances” supporting the charges includes, amongst other things, what were at the time pending criminal charges—three counts of Insurance Fraud, a Class D Felony—in Washington County District Court Case Number FECR005692. On April 21, 2010, Respondent was acquitted by a jury on each of the three counts and Respondent has filed an Amendment to his Answer so indicating.
3. The Statement of Charges does not reflect a finding of probable cause to charge Respondent with the conduct underlying or related to the now-resolved criminal charges and, therefore, evidence regarding that conduct cannot be presented to the Board at the time set for hearing, July 15, 2010.

4. It is in the interest of justice to dismiss *without prejudice* all charges against Respondent so as to allow the Board an opportunity to review existing investigatory materials and request further investigation, if necessary, so as to make a probable cause determination.
5. It is in the interests of justice to dismiss *without prejudice* all charges against Respondent so as to avoid the unnecessary duplication of time and resources for both the parties and the Board resulting from the possibility of multiple contested case proceedings in this matter.

This board order dismissal without prejudice is approved by the board June 28, 2010.