

**State of New Hampshire
Insurance Department**

**Docket No.: INS 22-048-EP
Appeal of Kim Diane Hayes Butler**

Assented to Motion to Postpone Hearing Date/Stay Appeal

December 26, 2023

The above-referenced matter has been docketed for hearing before Steven M. Notinger, Esq. (in his role as the New Hampshire Insurance Department's (the "Department") appointed Hearing Officer) and scheduled for January 4, 2024 at 1 p.m.

WHEREAS, Kim Diane Hayes Butler is a resident of the State of Texas;

WHEREAS, Ms. Butler holds a resident insurance producer license issued by the Texas Department of Insurance (the "Texas Department");

WHEREAS, the Texas Department has conducted a regulatory review regarding whether the Texas Department should either revoke or deny the renewal of Ms. Butler's Texas resident insurance producer license (the "Texas License");

WHEREAS, the Administrative Law Judge assigned to the matter regarding Ms. Butler's Texas License has issued a recommendation to the Texas Commissioner;

WHEREAS, the Texas Commissioner is under no statutory deadline to issue her decision on the matter, but Ms. Butler's counsel does not currently expect that decision to be issued before 2024;

WHEREAS, upon the issuance of the Texas Commissioner's decision, Ms. Butler will have additional process rights before the decision of the Texas Commissioner becomes final, including filing a notice of re-hearing and, if unsuccessful, appealing to the district court in Texas;

WHEREAS, the Department issued a non-renewal of Ms. Butler's New Hampshire non-resident insurance producer license (the "NH License") as of June 30, 2022, by letter to Ms. Butler dated August 11, 2022.

WHEREAS, while Ms. Butler has timely appealed the Department's decision, she understands that the Texas Department's action may well be controlling and essentially moot her need for the NH License;

WHEREAS, Ms. Butler further understands that staying her appeal will mean that she will continue to be deprived of her NH License in the interim, and as such her New Hampshire insurance activities will remain limited to the passive collection of renewal commissions regarding policies issued to New Hampshire residents on or before June 30, 2022;

WHEREAS, the parties previously filed with the Hearing Officer two requests to continue the hearing in this matter from the originally scheduled hearing date of October 4, 2022 (the "Prior Continuance Requests");

WHEREAS, in response to the Prior Continuance Requests, the Hearing Officer granted a continuance in the matter first until October 4, 2023 and then again until January 4, 2024;

WHEREAS, the parties wish to request a further continuance in the matter until the issuance of a final order in Texas with respect to the Texas License, but in any event not later than June 15, 2024;

WHEREAS, the parties agree that staying Ms. Butler's New Hampshire appeal until the Texas Department has acted remains prudent and reasonable under the circumstances;

ACCORDINGLY, the undersigned, acting as counsel for Kim Butler, is filing this Assented to Motion to Postpone Hearing Date/Stay Appeal to a date that is to be determined, pending a final order in Texas as to the Texas License, but in any event not later than June 15, 2024. Assent to this Motion is confirmed by the signature of counsel for the Department, below.

Counsel for Ms. Butler will affirmatively advise the Department when the Texas Department has taken final action.

Consistent with this assented to motion, the undersigned counsel hereby respectfully requests that the Hearing Officer postpone the Department's hearing with respect to the above-referenced matter and stay Ms. Butler's appeal, without prejudice, to a date to be determined in accordance with the foregoing.



Adam C. Varley, Esq.
Legal Counsel for Kim Butler

ASSENTED TO:



Joshua Hilliard, Esq.
Enforcement Counsel
New Hampshire Department of Insurance

The above Assented to Motion to Postpone Hearing Date/Stay Appeal is hereby GRANTED, and the hearing shall be re-set to a date to be determined but not later than June 15, 2024. The precise date and time of the postponed hearing to be set by the Hearing Officer.

SO ORDERED,

Steven M. Notinger, Esq.