

**State of New Hampshire
Insurance Department**

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

Assented to Motion to Withdraw Appeal

April 8, 2024

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 May 21, 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 recommended revocation of Ms. Butler's license and the Texas Commissioner has now issued an order adopting that recommendation and revoking Ms. Butler's license;

WHEREAS, Ms. Butler does not intend to pursue any additional process rights she has with respect to the decision of the Texas Commissioner, such that the Texas Commissioner's decision and order revoking Ms. Butler's license can now be considered final;

WHEREAS, the Department issued a denial of Ms. Butler's renewal of her 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, Ms. Butler timely appealed the Department's decision and on three occasions requested continuances of her hearing date in New Hampshire pending a final decision from the Texas Commissioner;

WHEREAS, as a result of the revocation decision from the Texas Commissioner, Ms. Butler does not wish to further pursue her appeal in New Hampshire and is seeking the Hearing Officer's approval to withdraw her appeal;

WHEREAS, Ms. Butler understands that the withdrawal of her hearing request will result in the reinstatement of the denial of her NH License, and further that Ms. Butler could not thereafter engage in activity in New Hampshire requiring a producer license without newly applying for and receiving such a license;

WHEREAS, the Department's enforcement counsel has consented to this motion, and both Ms. Butler and the Department intend that the granting of this motion, and the withdrawal of Ms. Butler's hearing request, will fully resolve this matter;

ACCORDINGLY, the undersigned, acting as counsel for Kim Butler, is filing this Assented to Motion to Withdraw Appeal effective immediately, with the result that the original denial of the NH License dated June 30, 2022 will thereafter be reinstated and take effect, and this hearing matter may be closed. Assent to this Motion is confirmed by the signature of counsel for the Department, below.

Consistent with this assented to motion, the undersigned counsel hereby respectfully requests that the Hearing Officer approve Ms. Butler's motion to withdraw her hearing request effective immediately.



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 Withdraw Appeal is hereby GRANTED, and this matter shall be closed.

SO ORDERED,

Steven M. Notinger, Esq.