

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

Docket No.: INS 22-048-EP

Kim Diane Hayes Butler

ORDER DENYING MOTION TO CONTINUE

Kim Diane Hayes Butler (“Butler”) filed an appeal of the denial of her insurance producer license pursuant to RSA 400-A:17. The hearing has been scheduled expeditiously within 30 days as required by RSA 400-A:17, IV. The expedited hearing has been scheduled for October 4, 2022 at 1:00 p.m. In her appeal letter dated September 9, 2022, Butler asked the Department to move her appeal forward “expeditiously.” She also said she would be harmed by the immediate “non-renewal” of her license as it impacts her “livelihood.” Butler provided a litany of reasons why the Department acted improperly denying her license. On September 20, 2022, Butler filed a consented to motion to continue the hearing for an indefinite time, “no sooner than thirty (30) days after a final determination by the Texas Department [of insurance]” of whether her license would be revoked in that state. The motion says this determination will occur sometime in 2023. Since Butler wants to continue this matter indefinitely or at least to an uncertain date (presumably she can appeal in Texas if she loses “during 2023”), and she filed the appeal in New Hampshire and demanded a quick hearing, which has been provided, the Department is not inclined to grant her motion to continue. It seems clear from the appeal letter Butler filed the appeal in part to delay a final determination of her license renewal in New Hampshire until Texas determines her license rights. The appeal letter states that a denial by New Hampshire will have consequences elsewhere “in advance of any determination by Texas.” The Appeal was clearly filed with the intent of staying the license denial for a long period of

time, not so it could remedy a wrong in an expeditious manner as requested by Butler and as required by statute. Either Butler goes forward with her appeal in the time frame she demanded, or she can withdraw her appeal. The Department will not continue this matter generally.

MOTION DENIED.

SO ORDERED,

9-21-22
Date


Steven M. Notinger, Hearings
Officer