

No. **2024-8579**

**Official Order  
of the  
Texas Commissioner of Insurance**

**Date: 3/21/2024**

**Subject Considered:**

Texas Department of Insurance v.  
Kim Diane Hayes Butler

SOAH Docket No. 454-23-03903.C

**Order on Motion for Rehearing**

**General Remarks and Official Action Taken:**

The subject of this order is the motion for rehearing filed by Kim Diane Hayes Butler. This order denies Ms. Butler's motion.

**Background**

On February 2, 2024, the Texas Department of Insurance (TDI) issued Commissioner's Order No. 2024-8514. The order revoked Ms. Butler's general lines agent license with a life, accident, and health qualification on the basis of her fraudulent conduct and her failure to disclose administrative orders against her when renewing her license.

On March 1, 2024, TDI received Ms. Butler's motion for rehearing. In her motion, Ms. Butler does not identify specific findings of fact or conclusions of law that she disputes, though she does adopt by reference several of her previous filings and submissions, including her exceptions on the PFD, which addressed findings of fact and conclusions of law that she asked the administrative law judge to reconsider. Ms. Butler's motion contains arguments on two issues where she said the administrative law judge made an erroneous decision or the administrative law judge and the commissioner's order were wrong, and two arguments for why the commissioner should reconsider revocation and instead impose a lesser penalty.

COMMISSIONER'S ORDER  
TDI v. Kim Diane Hayes Butler  
SOAH Docket No. 454-23-03903.C  
Page 2 of 2

On March 11, 2024, TDI Enforcement staff submitted a response to Ms. Butler's motion opposing it. Enforcement staff's motion addressed each of Ms. Butler's arguments and asserted that she did not raise any points that would require a rehearing.

**Discussion**

Texas Government Code § 2001.146(g) requires that a motion for rehearing "identify with particularity findings of fact and conclusions of law that are the subject of the complaint and any evidentiary or legal ruling claimed to be erroneous. The motion must also state the legal and factual basis for the claimed error."

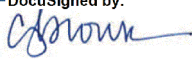
Ms. Butler did not identify with particularity any findings of fact or conclusions of law that are the subject of the complaint she makes in her motion for rehearing.

Ms. Butler did adopt by reference her exceptions to the proposal for decision, and they list findings of fact and conclusions of law that she said should be reconsidered. However, the administrative law judge had the opportunity to consider these points, and TDI also had the opportunity to review them before the commissioner's order was issued. Therefore, a rehearing is not warranted to address this.


The arguments Ms. Butler includes in her motion for rehearing do not present issues that necessitate a rehearing; therefore, her motion should be denied.

**Order**

It is ordered that Kim Diane Hayes Butler's motion for rehearing is denied.

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Cassie Brown  
Commissioner of Insurance

Recommended and reviewed by:

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Jessica Barta, General Counsel

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Justin Beam, Chief Clerk