

No. **2021-6858**

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

Date: 06/10/2021

Subject Considered:

Cyberdot Inc.
375 Dewpoint Ln
Johns Creek, GA 30022

Default Order
SOAH Docket No. 454-21-2138
TDI Enforcement File No. 26268

General remarks and official action taken:

This is a default order taken against Cyberdot Inc. (Respondent) because it failed to timely pay a fee assessed against it for late-filing a surplus lines policy after the filing deadline. Respondent did not respond to a Notice of Hearing filed by the Texas Department of Insurance. This order directs Respondent to pay a \$1,000 administrative penalty within 30 days of the date of this order.

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Failure to Respond to Notice of Hearing

1. On April 28, 2021, the department filed a Notice of Hearing, attached as Exhibit A, and an Original Petition, attached as Exhibit B, with the State Office of Administrative Hearings.
2. The department's factual allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order as findings of fact.

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Commissioner's Order

Cyberdot Inc.

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3. The department sent the Notice of Hearing and Original Petition to Respondent's last known address provided in writing to the department: 375 Dewpoint Lane, Johns Creek, GA 30022. The Notice of Hearing and Original Petition were also sent by electronic mail and to an additional address associated with Respondent: 107 Technology Pkwy, Ste 205, Peachtree Corners, GA 30092-2909.
4. Respondent failed to file a written response to the Notice of Hearing within 20 days of the date the Notice of Hearing and Original Petition were mailed.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051-82.055, 84.021 – 84.044, 981.006, 981.105(h)(1), 981.202, 4001.002, 4005.101, 4005.102, and 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89.
3. The department provided proper notice of the hearing under TEX. GOV'T CODE §§ 2001.051, 2001.052, and 2001.054, and 28 TEX. ADMIN. CODE §§ 1.28, 1.88, 1.89, and 19.906.
4. Based on Respondent's failure to file a written response to the Notice of Hearing, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE §§ 1.88 and 1.89.
5. The department's factual and legal allegations set out in the attached Notice of Hearing and Original Petition are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.89.

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Order

It is ordered that Cyberdot Inc. pay an administrative penalty of \$1,000 within 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Attn: Enforcement, Division 60851, AO-9999, P.O. Box 12030, Austin, Texas 78711-2030.

Commissioner of Insurance

DocuSigned by:

Doug Slape

C77A87C8C21B435...

By: _____

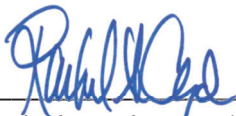
Doug Slape

Chief Deputy Commissioner

TEX. GOV'T CODE § 601.002

Commissioner's Order No. 2018-5528

Prepared and reviewed by:



Rachel A. Cloyd, Director
Enforcement Division

2021-6858

Commissioner's Order

Cyberdot Inc.

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Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"My name is David Moreno and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning Cyberdot Inc. I have confirmed that:

- a. The last mailing address provided to the department in writing by Cyberdot Inc. is 375 Dewpoint Lane, Johns Creek, GA 30022.
- b. The file maintained by the Enforcement Division contains a Notice of Hearing dated April 28, 2021, and Original Petition dated April 26, 2021, which were filed with the State Office of Administrative Hearings.
- c. On April 28, 2021, the Notice of Hearing and Original Petition addressed to Cyberdot Inc. were mailed first-class and certified, return receipt requested, to its last known address and an additional address: 107 Technology Pkwy Ste 205, Peachtree Corners, GA 30092-2909.

Copies of the certified mail log and first-class mail log maintained by the Enforcement Division are attached as Exhibit C and Exhibit D, respectively."

DocuSigned by:

David Moreno

E51B6423FB8D4BE...

Affiant

2021-6858

Commissioner's Order

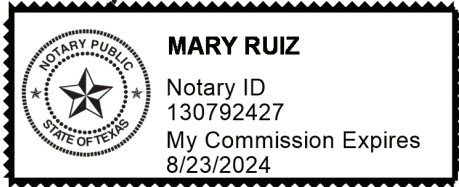
Cyberdot Inc.

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SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 5/25/2021. This notarial act was an online notarization.

Notary Seal



Digital Certificate

DocuSigned by:
Mary Ruiz
795DC4D59167489...

Notary Public State of Texas

2021-6858

FILED
454-21-2138
4/28/2021 9:03 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

**SOAH DOCKET NO. 454-21-2138
TDI ENFORCEMENT FILE NO. 26268**

ACCEPTED
454-21-2138
04/28/2021 9:13 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

v.

OF

CYBERDOT INC.,

ADMINISTRATIVE HEARINGS

Respondent

NOTICE OF HEARING

The Texas Department of Insurance seeks to take disciplinary action against Cyberdot Inc. This Notice of Hearing and the Original Petition, which is attached and incorporated for all purposes, states the allegations against you and the relief sought by the Department.

A public hearing will be held before an Administrative Law Judge on **Tuesday, September 21, 2021, at 9:00 a.m.** The hearing will take place via videoconference using a videoconference platform controlled by the State Office of Administrative Hearings, unless otherwise ordered to proceed in another manner by the Administrative Law Judge.

The hearing shall be conducted pursuant to TEX. GOV'T CODE, ch. 2001 and 1 TEX. ADMIN. CODE, ch. 155. Unless otherwise directed by the Administrative Law Judge, the hearing shall continue from day to day in the offices of the State Office of Administrative Hearings until concluded. You have the right to appear at this hearing and to be represented by an attorney.

Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.

YOU MUST FILE A WRITTEN RESPONSE TO THE NOTICE OF HEARING WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS OF THE DATE THE NOTICE OF HEARING WAS MAILED. FAILURE TO FILE A WRITTEN RESPONSE BY THIS DEADLINE SHALL ENTITLE TDI TO SEEK DISPOSITION BY DEFAULT PURSUANT TO 1 TEX. ADMIN. CODE § 155.501 AND 28 TEX. ADMIN. CODE §§ 1.88 AND 1.89.

EXHIBIT
 A

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Notice of Hearing

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IF YOU FAIL TO FILE A WRITTEN RESPONSE, THE SCHEDULED HEARING CAN BE CANCELED AND WITHOUT FURTHER NOTICE TO YOU THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING IMPOSITION OF ADMINISTRATIVE PENALTIES, IS GRANTED BY DEFAULT.

IF YOU FILE A WRITTEN RESPONSE BUT THEN FAIL TO APPEAR ON THE DAY AND TIME SET FOR HEARING, WITHOUT FURTHER NOTICE TO YOU, THE COMMISSIONER OF INSURANCE CAN ISSUE AN ORDER IN WHICH THE ALLEGATIONS IN THE NOTICE OF HEARING ARE DEEMED ADMITTED AS TRUE AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING, INCLUDING IMPOSITION OF ADMINISTRATIVE PENALTIES, IS GRANTED BY DEFAULT.

In accord with 28 TEX. ADMIN. CODE § 1.90(e) and 1 TEX. ADMIN. CODE §§ 155.101 and 155.103, you should send copies of your written response to:

- (1) Docketing Division
State Office of Administrative Hearings
300 West 15th Street, Room 504
P.O. Box 13025
Austin, Texas 78711-3025
(512) 322-2061 (Fax);
- (2) Chief Clerk
Texas Department of Insurance
P.O. Box 12030, MC GC-CCO
Austin, Texas 78711-2030
(512) 490-1064 (Fax)
chiefclerk@tdi.texas.gov; and
- (3) Rachel A. Cloyd, Litigation Director
Texas Department of Insurance
Enforcement Division, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Rachel.Cloyd@tdi.texas.gov

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Receiving Documents

The State Office of Administrative Hearings (SOAH) offers you the ability to receive service of orders and other documents issued by SOAH through email instead of by mail or fax. If you want to receive SOAH-issued documents by email, go to SOAH's website, www.soah.texas.gov, click on the "E-Services" tab, then click the hyperlink "Request Service by Email (only for use by self-represented litigants)," and follow the instructions.

NOTE: A request to receive SOAH-issued documents by email does not change the procedures you must follow to file documents with SOAH. The rules for filing documents and providing copies to all other parties in the case are described in SOAH's Procedural Rules, which are available on SOAH's website. Click the "Agency" tab, then click "Administrative Rules and Laws" to view SOAH's Procedural Rules.

Important Security Notice

ALL VISITORS TO THE WILLIAM P. CLEMENTS BUILDING WITHOUT AN AGENCY OR DPS ISSUED ID CARD MUST PROVIDE THE BUILDING SECURITY OFFICER WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NUMBER AND RECEIVE A VISITOR'S PASS IN ORDER TO BE ALLOWED ACCESS TO THE HEARING ROOM. INDIVIDUALS SHOULD ALLOW ADDITIONAL TIME TO GO THROUGH THE SECURITY PROCESS.

If you have any questions, please contact me at the address or telephone number shown below.

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Notice of Hearing

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Respectfully Submitted,

/s/ Rachel A. Cloyd

Rachel A. Cloyd

State Bar No. 24027456

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6349 (Direct)

(512) 490-1020 (Fax)

Rachel.Cloyd@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

Enclosure: Original Petition

cc: Leah Gillum, Deputy Commissioner, Enforcement Division, MC ENF
Company Licensing & Registration, MC FRD
Administrative Review, MC CO-AAL

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Notice of Hearing

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CERTIFICATE OF SERVICE

I, Rachel A. Cloyd, certify that a true and correct copy of the *Notice of Hearing and the Original Petition* were sent by the following methods shown, on this 28th day of April, 2021, to:

Cyberdot Inc.
Attn: Serg Panfilov
375 Dewpoint Ln
Johns Creek, GA 30022

*Via CM/RRR No.: 9214 8901 9403 8338 7212 66
Via First-Class Mail
and Via Email: serg@cyberdot.com*

Cyberdot Inc.
Attn: Serg Panfilov
107 Technology Pkwy Ste 205
Peachtree Corners, GA 30092-2909

*Via CM/RRR No.: 9214 8901 9403 8338 7214 19
and Via First-Class Mail*

/s/ Rachel A. Cloyd

Rachel A. Cloyd

2021-6858

FILED
454-21-2138
4/26/2021 2:41 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

454-21-2138

**SOAH DOCKET NO. 454-21-____
TDI ENFORCEMENT FILE NO. 26268**

TEXAS DEPARTMENT OF INSURANCE,

BEFORE THE STATE OFFICE

Petitioner

ACCEPTED
454-21-2138
04/26/2021 3:39 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

v.

OF

CYBERDOT INC.,

ADMINISTRATIVE HEARINGS

Respondent

ORIGINAL PETITION

The Texas Department of Insurance (TDI) seeks to take disciplinary action against Cyberdot Inc. In support of this petition, the department makes the following allegations upon information and belief:

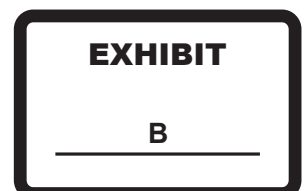
Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021 – 84.044, 981.006, 981.105(h)(1), 981.202, 4001.002, 4005.101, 4005.102, and 4051.051, and TEX. GOV'T CODE §§ 2001.051-2001.178.

Factual Allegations

1. Cyberdot Inc., firm identification number 136232, holds a surplus lines agent license issued on October 19, 2017, by TDI. Cyberdot Inc. also holds a general lines license with a property and casualty qualification issued by TDI on October 19, 2017.
2. Pursuant to TEX. INS. CODE § 981.105(a), a surplus lines insurance agent must file with the Surplus Lines Stamping Office of Texas (SLTX) either:
 - a. a copy of the policy issued, or
 - b. if the policy has not yet been issued, a copy of the certificate, cover note, or other confirmation of insurance delivered to the insured.

This information is due not later than the 60th day after the later of the effective date or the issue date of new or renewal surplus lines insurance.



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Original Petition

Cyberdot Inc.

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2. The SLTX provided TDI with a report showing Cyberdot Inc. filed one surplus lines policy late in calendar year 2019.
3. In March 2020, TDI assessed a fee of \$50 against Cyberdot Inc. because it late-filed one surplus lines policy in 2019.
4. Cyberdot Inc. was provided notice of the assessed fee in March and June 2020.
5. TDI records show Cyberdot Inc. has not timely paid the \$50 fee assessed pursuant to TEX. INS. CODE § 981.105(c) and (d)(1).

Legal Allegations

1. Cyberdot Inc. is subject to enforcement action, as contemplated by TEX. INS. CODE § 981.105(h)(1).
2. Cyberdot Inc. violated TEX. INS. CODE § 981.105(c) and (d)(1) by failing to timely pay a fee assessed against it for late-filing a surplus lines policy after the filing deadline.

Relief Sought

If one or more of the above allegations is found to be true, the department asks the Administrative Law Judge to enter a Proposal for Decision recommending that the Commissioner of Insurance issue an order:

1. directing Cyberdot Inc. to pay an administrative penalty of \$1,000 pursuant to TEX. INS. CODE §§ 981.006(1), 981.105(h)(1), 82.052(3), and 84.021 – 84.022; and
2. imposing any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

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Original Petition

Cyberdot Inc.

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Respectfully Submitted,

/s/ Rachel A. Cloyd

Rachel A. Cloyd

State Bar No. 24027456

Texas Department of Insurance

Enforcement Division, MC ENF

P.O. Box 12030

Austin, Texas 78711-2030

(512) 676-6349 (Direct)

(512) 490-1020 (Fax)

Rachel.Cloyd@tdi.texas.gov

ATTORNEY FOR THE PETITIONER

TEXAS DEPARTMENT OF INSURANCE

2021-6858



Shipment Confirmation Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 04/28/2021

Shipped From:

Name: MC 110-1A M RUIZ

Address: 333 GUADALIPE ST

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International*	
Other	2
Total	2

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

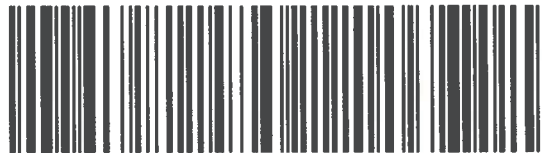
B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

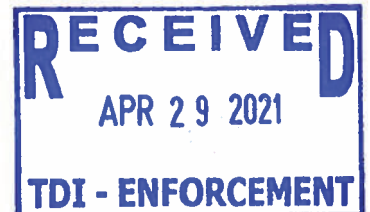
USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0028 5668 77

CLOYD/26268



EXHIBIT

C



Name and Address of Sender
 MC 110-1A M RUIZ
 TEXAS DEPARTMENT OF INSURANCE
 333 GUADALUPE ST
 AUSTIN TX 78701

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Affix Stamp Here
 (for additional copies of this receipt).
 Postmark with Date of Receipt.

USPS Tracking/Article Number

1. 9214 8901 9403 8338 7212 66
 CLOYD/26268

Addresssee (Name, Street, City, State, & ZIP Code™)
 GA 30022
 CYBERDOT INC. ATTN: SERG PANFILOV 375 DEMPOINT LN JOHNS CREEK

Postage	1.40	(Extra Service) Fee	3.60	Handling Charge		Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
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2. 9214 8901 9403 8338 7214 19

CYBERDOT INC. ATTN: SERG PANFILOV 107 TECHNOLOGY PKWY STE 205
 PEACHTREE CORNERS, GA 30092-2909

Postage	1.40	(Extra Service) Fee	3.60	Handling Charge		Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
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2021-6858



Handling Charge - if Registered and over \$50,000 in value				Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
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Total Number of Pieces Listed by Sender: 2
 Total Number of Pieces Received at Post Office: 2

Postmaster, Per (Name of receiving employee)

