

No. **2024-8936**

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

**Date: 11/04/2024**

**Subject Considered:**

Macduff Underwriters, Inc.  
1717 N Clyde Morris Blvd. No. 120  
Daytona Beach, Florida 32117

Consent Order  
TDI Enforcement File No. 35312

**General remarks and official action taken:**

This is a consent order with Macduff Underwriters, Inc. Macduff Underwriters, Inc. failed to timely file surplus lines policies and related documents. Macduff Underwriters, Inc. has agreed to pay an administrative penalty of \$2,700 for these violations.

**Waiver**

Macduff Underwriters, Inc. acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Macduff Underwriters, Inc. waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

**Findings of Fact**

1. Macduff Underwriters, Inc., license number 1613719, holds a surplus lines license issued by the Texas Department of Insurance.
2. Pursuant to TEX. INS. CODE § 981.105(a), a surplus lines insurance agent must file with the Surplus Lines Stamping Office of Texas either:
  - a. a copy of the policy issued, or

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- 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.

3. In 2023, Macduff Underwriters, Inc. filed surplus lines policies and related documents late.

### **Conclusions of Law**

1. The commissioner of insurance has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, and 981.105.
2. The commissioner of insurance has authority to informally dispose of this matter under TEX. INS. CODE § 82.055, TEX. GOV'T CODE § 2001.056, and 28 TEX. ADMIN. CODE § 1.47.
3. Macduff Underwriters, Inc. has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Macduff Underwriters, Inc. violated TEX. INS. CODE § 981.105(a) by failing to timely file new or renewal surplus lines policies and related documents.

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## Order

It is ordered that Macduff Underwriters, Inc. must pay an administrative penalty of \$2,700 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

Signed by:  
  
FC5D7EDDFFBB4F8...

\_\_\_\_\_  
Cassie Brown  
Commissioner of Insurance

Recommended and reviewed by:

  
\_\_\_\_\_

Leah Gillum, Deputy Commissioner  
Fraud and Enforcement Division

  
\_\_\_\_\_

Victor Moya III, Attorney  
Enforcement

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**Affidavit**

THE STATE OF FL §

COUNTY OF VOLUSIA §

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

"My name is Thomas Pitores. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I hold the office of President and am the authorized representative of Macduff Underwriters, Inc. I am duly authorized by the organization to execute this statement.

Macduff Underwriters, Inc has knowingly and voluntarily entered into the foregoing consent order and agrees with and consents to the issuance and service of the same by the commissioner of insurance of the state of Texas."

[Signature]  
Affiant

SWORN TO AND SUBSCRIBED before me on 9/19, 2024.

(NOTARY SEAL)



**SANDRA WALLS**  
Notary Public  
State of Florida  
Comm# HH250206  
Expires 4/6/2026

[Signature]  
Signature of Notary Public

SANDRA WALLS  
Printed Name of Notary Public