Filed: 8/6/2026 11:02 AM
Carin Carroll
District Clerk
Titus County, Texas
Debbie Swindler

CAUSE NO. 44437

KYLE DOUGLAS MORING,	§	**IN THE DISTRICT COURT OF**
Petitioner,	§	
	§	
v.	§	**TITUS COUNTY, TEXAS**
	§	
CITY OF MOUNT PLEASANT, TEXAS,	§	
Respondent.	§	**76th JUDICIAL DISTRICT**

PETITIONER'S NOTICE OF SUPPLEMENTAL DISCLOSURE AND INTENT TO OFFER CONDITIONAL HEARING EXHIBIT T RELATING TO PREVIOUSLY PLEADED COUNTS V, VI, AND IX

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner Kyle Douglas Moring files this Notice of Supplemental Disclosure and Intent to Offer Conditional Hearing Exhibit T and respectfully shows the Court as follows:

1. The Court has set an in-person expedited hearing or submission on Petitioner's First Amended Petition for Writ of Mandamus for August 10, 2026, at 9:00 a.m. This Notice provides prompt, specific disclosure of two records produced by Respondent on August 4, 2026 that bear on completeness and mootness disputes already pleaded in Counts V, VI, and IX.

2. On August 4, 2026, at 9:48 a.m., City Secretary Candias Webster transmitted what she described as the first portion of records responsive to a separate May 26, 2026 request, as modified on June 2, 2026, and stated that the City anticipated providing the remainder by August 17, 2026. Respondent's counsel Austin Beck and Lea Ream were copied on that transmittal. Exhibit T-1 is limited to the first source page showing that transmittal.

3. The August 4 production contained two native Outlook MSG files: **(a)** FW Case No.msg, a July 15, 2025 DSHS message to John Ankrum; and **(b)** FW Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas.msg, a July 21, 2025 DSHS message to John Ankrum with DSHS personnel copied. Searchable readable transcripts appear as Exhibits T-2 and T-3. Unchanged copies of the native files are being separately disclosed to Respondent in the formats produced by the City.

4. The two messages facially overlap the existing requests in Counts V, VI, and IX. Their dates are within the Count V and Count VI ranges; their subjects and bodies contain the pleaded Moring, OSHA, and Walmart terms; and they are direct DSHS-to-City correspondence within Count IX's period. Their unique Internet Message-IDs did not appear in Petitioner's earlier completed comparisons of the reviewed Count V, Count VI, and Count IX production sets.

5. Petitioner acknowledges the present status precisely: the City produced these two exact messages in native MSG format on August 4, 2026. Petitioner therefore does not contend that these two exact records remain unproduced or non-native. They are not added to the previously disclosed ninety-one-file Count V comparison inventory or the eighty-eight-file within-range subset on which Petitioner relies.

6. Petitioner offers Exhibit T only to show the existence, provenance, transmission, and timing of the records; their overlap with the already pleaded request scopes; and the request-specific history relevant to completeness and mootness. Petitioner does not offer the materials to prove intent, deletion, or the truth of every assertion in the underlying complaints, and does not ask this Court to decide food-safety, OSHA, or other regulatory merits. Petitioner does not offer these records as Count XII evidence in this filing.

7. This filing adds no count, claim, party, legal theory, or category of requested substantive relief. It does not amend the live pleading and does not seek relief concerning the separate May 26 request. It supplies limited corroborative evidence bearing on the already pleaded Counts V, VI, and IX disputes.

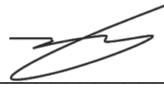
8. Petitioner received the records on August 4, completed the focused comparison and prepared this disclosure within two days, and provides Respondent the complete cited materials before the August 10 setting. The City itself supplied the native files, and its counsel received the production transmittal. If the Court determines that a discovery-disclosure deadline applies to this expedited hearing or submission, Petitioner respectfully requests an on-the-record finding under Texas Rule of Civil Procedure 193.6 that good cause exists and/or that this prompt supplementation causes no unfair surprise or unfair prejudice. Petitioner does not ask the Court in this Notice to decide whether Rule 194.4's thirty-day trial deadline governs this setting.

9. Petitioner authenticates the receipt, preservation, comparison, and readable renderings through the attached Supplemental Unsworn Declaration and, if the Court receives live evidence, through his testimony. Filing the documents does not itself admit them into evidence. Petitioner will formally offer Exhibit T subject to Respondent's timely objections and the Court's evidentiary rulings.

10. If the matter is considered by submission, Petitioner respectfully requests that the Court consider Exhibit T subject to any timely objection and only for the limited purposes stated in this Notice. If the Court excludes any portion, Petitioner requests permission to make an offer of proof under Texas Rule of Evidence 103.

Petitioner respectfully gives notice of his intent to offer Conditional Hearing Exhibit T for the limited purposes stated and requests all further relief to which he is entitled on the existing pleadings.

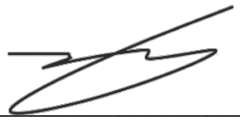
Respectfully submitted,



Kyle Douglas Moring
Petitioner, Pro Se
[redacted]

CERTIFICATE OF SERVICE

I certify that on August 6, 2026, a true and correct copy of this Notice, the attached Supplemental Unsworn Declaration, and Conditional Hearing Exhibit T is being served electronically through the electronic filing manager on all counsel and service contacts of record for Respondent City of Mount Pleasant, Texas, in accordance with Texas Rules of Civil Procedure 21 and 21a. Before filing, I sent Respondent's counsel the identical Exhibit T binder and the two native MSG files in the formats produced by the City by email as advance electronic disclosure.



Kyle Douglas Moring

CAUSE NO. 44437

KYLE DOUGLAS MORING,	§	**IN THE DISTRICT COURT OF**
Petitioner,	§	
	§	
v.	§	**TITUS COUNTY, TEXAS**
	§	
CITY OF MOUNT PLEASANT, TEXAS,	§	
Respondent.	§	**76th JUDICIAL DISTRICT**

SUPPLEMENTAL UNSWORN DECLARATION OF KYLE DOUGLAS MORING AUTHENTICATING EXHIBIT T

Pursuant to Texas Civil Practice and Remedies Code section 132.001, I, Kyle Douglas Moring, declare as follows:

1. My name is Kyle Douglas Moring. I am over eighteen years of age, of sound mind, capable of making this declaration, and competent to testify. The facts stated here are within my personal knowledge and are true and correct.

2. I am the Petitioner and the requestor for the public-information requests pleaded in Counts V, VI, and IX. I personally received the City's August 4, 2026 production, downloaded it, reviewed its contents, and preserved the two native MSG files described below in the formats received.

3. At 9:48 a.m. on August 4, 2026, Candias Webster emailed me a link to what she described as the first portion of records for a separate May 26, 2026 request, as modified on June 2, 2026, and stated that the City anticipated producing the remainder by August 17, 2026. Austin Beck and Lea Ream were copied on the transmittal. Exhibit T-1 is a true and correct copy of the first source page I saved from that transmittal. Only the first page of the transmittal is reproduced; the remainder of the quoted chain is omitted.

4. The production included FW Case No.msg, 217,088 bytes, SHA-256 b9ea5d5f230a97fc2c5c4290153e5c2fb1e360965f9b0be75425ef694c828638. Its native fields identify a July 15, 2025, 4:26:33 p.m. CDT message from Jaime Sepulveda of DSHS to John Ankrum at jankrum@mpcity.org. The full native Internet Message-ID appears in Exhibit T-2.

5. The production also included FW Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas.msg, 260,608 bytes, SHA-256 1cd1997df68513b552489ac60937d1002d865eb0cbecb1ca693cf91a78a19acf. Its native fields identify a July 21, 2025, 2:01:53 p.m. CDT message from Jaime Sepulveda of DSHS to John Ankrum, copied to Joe Williams and Lewis Ressler of DSHS, with the full native Internet Message-ID shown in Exhibit T-3.

6. I compared those two Internet Message-IDs with the results of my previously completed reviews of the Count V, Count VI, and Count IX production sets. I did not locate either exact Message-ID in those earlier reviewed sets. As stated in my August 3, 2026 Declaration, the affected original Count IX archive is no longer in my possession, custody, or control; I state the Count IX result as the result of my completed earlier comparison, not as a new comparison against a presently intact three-archive corpus.

7. The transcripts reproduced as Exhibits T-2 and T-3 are fair and accurate readable renderings of the messages' substantive header information and bodies extracted from the two native MSG files. The displayed times are converted from the native UTC header values to Central Daylight Time, and the recipient fields are rendered from the messages' Outlook display properties. The transcripts identify the original source filenames, Message-IDs, file hashes, and attachment names. External hyperlink annotations are not carried into the transcript PDFs, and the single embedded image001.png attachment in each native file is listed but not appended. Unchanged copies of the native MSG files are preserved and separately disclosed to Respondent.

8. I do not contend that these two messages remain unproduced or were produced in a non-native format. I do not add them to the ninety-one-file Count V comparison inventory or the eighty-eight-file within-range subset described in my August 3 Declaration. I offer them only as late-production and request-specific completeness history for Counts V, VI, and IX, not as proof of intent, deletion, food-safety merits, or a separate claim.

DECLARATION UNDER PENALTY OF PERJURY

My name is Kyle Douglas Moring, my date of birth is [redacted], and my address is [redacted], United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Franklin County, State of Texas, United States of America, on August 6, 2026.



_____

Kyle Douglas Moring, Declarant

CAUSE NO. 44437

CONDITIONAL HEARING EXHIBIT T

Limited DSHS late-production evidence relating to previously pleaded Counts V, VI, and IX

Exhibit	Document	Limited purpose	Binder page
T-1	August 4, 2026 City partial-production transmittal - first source page only	Provenance, production date, and City's statement that this was a first portion	2
T-2	July 15, 2025 DSHS-to-Ankrum native-message transcript	Counts V, VI, and IX late-production and completeness history	3-6
T-3	July 21, 2025 DSHS-to-Ankrum native-message transcript	Counts V, VI, and IX late-production and completeness history	7-9

Source-integrity note: T-1 reproduces only the first source page needed to show the August 4 transmittal; the later quoted chain is omitted. T-2 and T-3 are searchable readable transcripts generated from the two native MSG files. They preserve the readable headers, body text, source filenames, Internet Message-IDs, SHA-256 hashes, and attachment names. External hyperlink annotations are not included, and the listed inline image files are not appended. Unchanged copies of the native MSG files are separately disclosed to Respondent.

Guardrail: These materials are offered only as late-production and request-specific completeness history. They are not offered to decide food-safety merits, prove intent or deletion, add Count XII evidence, or alter the previously disclosed Count V arithmetic.

From: **Candias Webster** cwebster@mtpleasanttx.gov
Subject: RE: TPIA Request – Republic Services, TCEQ, DSHS Asbestos Program, EPA, and Walmart Communications re Walmart/TLE Remodel, Asbestos Notice, and Related Calls
Date: August 4, 2026 at 9:48 AM
To: [redacted]
Cc: Austin Beck abeck@dtrglaw.com, Lea Ream lream@dtrglaw.com, Rob Vine rvine@mtpleasanttx.gov, Wesley Lyon wlyon@mtpleasanttx.gov, Carl Hinton CHinton@mtpleasanttx.gov, Kelly Redfearn KRedfearn@mtpleasanttx.gov, Jonathan Hageman JHageman@mtpleasanttx.gov, Debbie Corbell DCorbell@mtpleasanttx.gov

Mr. Moring,
Here is the first portion of the documents related to this request. We anticipate having the rest to you by August 17, 2026

TPIA Request – Republic Services TCEQ DSHS

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4000
Cell: [redacted]
Fax: 903-577-1828

This document/description/text may have been generated by Microsoft Copilot and edited by me

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: Kyle Moring <[redacted]>
Sent: Thursday, June 4, 2026 11:48 AM
To: Candias Webster <cwebster@mtpleasanttx.gov>
Cc: Austin Beck <abeck@dtrglaw.com>; Lea Ream <lream@dtrglaw.com>; Rob Vine <rvine@mtpleasanttx.gov>; Wesley Lyon <wlyon@mtpleasanttx.gov>; Carl Hinton <CHinton@mtpleasanttx.gov>; Kelly Redfearn <KRedfearn@mtpleasanttx.gov>; Jonathan Hageman <JHageman@mtpleasanttx.gov>; Debbie Corbell <DCorbell@mtpleasanttx.gov>; Melanie Knight <melanie.knight@mtpleasanttx.gov>
Subject: Re: TPIA Request – Republic Services, TCEQ, DSHS Asbestos Program, EPA, and Walmart Communications re Walmart/TLE Remodel, Asbestos Notice, and Related Calls

Ms. Webster,

I am writing regarding the updated cost estimate for my May 26, 2026 TPIA request, as modified by my June 2,

EMAIL TRANSCRIPT

FW: Case No. 1499252131 Follow-Up Concerns - Ongoing Uncontained Roof Construction and Public Exposure at Walmart #131

From	"Sepulveda,Jaime (DSHS)" <Jaime.Sepulveda@dshs.texas.gov>
To	John Ankrum <jankrum@mpcity.org>
Cc	[None]
Date	Tue, 15 Jul 2025 16:26:33 -0500
Message-ID	<PH7PR05MB9060A6DB344903FB2C5DCD44DE57A@PH7PR05MB9060.namprd05.prod.outlook.com>
Source MSG	FW Case No.msg
MSG SHA-256	b9ea5d5f230a97fc2c5c4290153e5c2fb1e360965f9b0be75425ef694c828638

ATTACHMENTS	1. image001.png

Attachment names are preserved in this transcript; attachment contents are not appended to the email PDF.

MESSAGE BODY

CAUTION: [EXTERNAL EMAIL]

Good afternoon,

The
Texas DSHS Retail Food Safety Operations received some concerns regarding an establishment in Mount Pleasant, Texas. Please see the email below.
A response that this referral has been received will be greatly appreciated.
Let us know if you have any questions.

Thank you,

Jaime Sepulveda, MPH, RS

Compliance Officer

Retail Food Safety Operations

Texas Department of State Health Services

PO Box 149347 MC 1987 Austin, TX 78714-9347

Phone (512) 834-4561

Cell [redacted]

Fax (512) 206-3791

From: [redacted]
<[redacted]>

Sent: Sunday, July 13, 2025 10:10 AM

To: DSHS Asbestos Help <AsbestosHelp@dshs.texas.gov>

Cc: DSHS Food Establishments <FoodEstablishments@dshs.texas.gov>

Subject: Case No. 1499252131 Follow-Up Concerns - Ongoing Uncontained Roof Construction and Public Exposure at Walmart #131

WARNING: This email is from outside the HHS system.
Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Attachments available until Aug 12, 2025

Good morning,

I am submitting a follow-up complaint concerning ongoing unsafe roof construction and associated public health risks at Walmart Supercenter #131, located at 2311 S. Jefferson Avenue in Mount Pleasant, Texas. This matter is related to my previous complaint filed under DSHS Case No. 1499252131, which involved roof work being conducted without proper permitting or inspection. I have since been informed that the store conducted an asbestos survey, which confirmed that the original roof membrane did not contain asbestos. However, despite this clearance, Walmart has resumed active roofing operations without implementing visible safety measures or contamination controls. As a result, debris continues to fall during business hours into occupied store areas, exposing customers, employees, and merchandise to construction particles and associated risks.

Please note that I am also a complainant in an active OSHA whistleblower investigation (Case No. 301053630) under both Section 11(c) of the Occupational Safety and Health Act and the Food Safety Modernization Act (FSMA). This DSHS submission is directly related to the protected activities and disclosures encompassed in that case.

Timeline of Observed Unsafe Conditions (June 25 – July 12, 2025):

-
June 25: I observed roofing materials being staged on the store's roof. That same day, I submitted a formal public records request to Mount Pleasant City Secretary Candias Webster, requesting all construction permits and inspection records related to the store dating back to 2019.

-
June 26: A Mount Pleasant code compliance vehicle was observed parked near the Tire & Lube Express (TLE) entrance at the store. Roof activity appeared to be ongoing at that time, despite no permit being issued.

-
June 27: Permit records were released. The roof permit (ROOF35226) had been processed after work had already begun, and notably contained no inspector notes, no issue date, and no asbestos documentation. An employee reported that water was leaking down the produce "wet wall" as roof work continued. Management's only response was to place buckets to catch the water; no signage, food shielding, or sanitation protocols were implemented.

-
June 28–29: I observed active roof construction while customers shopped directly below. Several employees and customers confirmed that roof debris—including fine particles and shavings—was falling onto merchandise, includingfood displays. On June 29, particles were visibly present on produce in the Grocery department. Again, no personal protective equipment (PPE), signage, or containment measures were visible throughout the store.

-
June 30: I received additional documentation from Ms. Webster in response to my open records request. However, none of the files provided include current inspection records or proof of code compliance with respect to the ongoing roof work.

-
July 2–10: No observable roofing work was conducted at the store during this period.

-
July 11: I noted that the emergency lighting fixture located above the Electronics Department was showing a red battery indicator. This typically signals that the emergency backup battery is extremely low or inoperative, meaning the fixture may fail to function during a power outage—a violation of fire safety standards and a life-safety concern within an already compromised environment.

-
July 12-13:

-
Falling Metal Debris: On July 12 and 13, 2025, I personally observed metal shavings and other roofing debris falling from the active construction areas into publicly accessible sections of the store. These falling fragments were seen landing on merchandise shelves and even near store associates who were assisting customers. Notably, roof-cutting activities directly above the sales floor caused a shower of metal slivers and dust.

-
Contaminated Merchandise and Food Areas: The debris infiltrated multiple departments. For example, sharp metal shavings were found on apparel racks among clothing items, and fine particulate dust settled over products in the seasonal/general merchandise

aisles (including the “Back to School” section). Most alarming, debris was
also observed in the grab-and-go food area, where ready-to-eat snacks and packaged foods are displayed. Photo and video evidence show metal particles on top of food display cases and scattered across clothing and food items.

-
Lack of Containment or Warnings: At no point were any visible precautions in place to protect the public from this debris.
There were no plastic drop cloths or sheeting hung to catch falling materials, no ceiling tiles or vents covered, and no sections of the store roped off or closed to customers beneath
the work area. Additionally, the store failed to post any signage or warnings to alert customers and employees about the overhead construction hazard. Shoppers, including families with children, continued to browse in these areas unaware that potentially harmful debris was raining down.

These conditions were documented during normal store hours when customers and employees were present. The lack of basic safety measures is causing an immediate risk of contamination and injury.
Metal shavings and construction dust can not only cause physical harm (e.g. getting into eyes or causing cuts) but also pose a contamination risk to food and consumer products.

Public Health and Regulatory Concerns: I believe the situation violates several health and safety regulations designed to protect the public in
retail establishments:

· 25 TAC §228.69 – Preventing Contamination from the Premises: Under
Texas’s food safety rules, food must be protected from exposure to dust and other contaminants at all times. Allowing construction debris to fall onto food displays or food-contact surfaces creates an unsanitary condition. Even if packaged,
the food items have been “held under unsanitary conditions whereby [they] may have become contaminated with filth”, meeting the definition of adulterated food under Texas Health & Safety Code §431.081. Customers could inadvertently
consume contaminated products, or the store may continue selling them, which is a serious food safety violation.

· 25 TAC §228.42 – Food Contamination Prevention: The
Texas Food Establishment Rules broadly require retail facilities to prevent contamination of food and clean equipment during any operations. Failing to isolate construction areas from active food sections conflicts with the sanitary maintenance practices expected in retail food establishments. (In essence, construction dust and metal debris should never be allowed to contact food or food-contact surfaces in an open store.)

· Asbestos Survey Compliance (25 TAC §296.191): While
the asbestos survey came back negative (meaning the roof materials did not contain asbestos), this rule’s intent is to ensure hazardous materials are identified and handled prior to renovation. In this case, DSHS’s involvement was crucial
to rule out asbestos, but no follow-up seems to have addressed the general dust and debris hazards. The store appears to have interpreted the negative asbestos result as a green light to proceed without any precautions, which was not the purpose
of the survey requirement.

· Adulterated Food (Texas Health & Safety Code §431.081): As
noted above, food products exposed to construction debris are considered adulterated if they have been held under unsanitary conditions that could contaminate them. Metal particles or fiberglass insulation dust (if any from roof materials) falling onto food
packages can render those foods unsafe or unwholesome. This creates a public health hazard and legal liability if such products are sold. Additionally, the presence of debris in areas like the deli or grab-and-go cooler could necessitate discarding of food
to prevent consumer harm.

In summary, Walmart #131’s failure to implement containment during roof work is endangering both environmental sanitation and food safety on the premises. The conditions observed are not only
unsanitary but also violate the spirit and letter of state health regulations intended to keep retail food environments safe and clean.

Request for Immediate DSHS Action: I respectfully request that DSHS re-engage with this matter and take prompt action to protect the public, even
though asbestos was found to be absent. Specifically, I urge DSHS to:

1. Conduct an urgent follow-up inspection at Walmart #131 focusing on the roof construction activities and their
impact on food safety and sanitation. DSHS inspectors should observe the lack of barriers/containment and document the contamination of merchandise and food areas.

2. Require immediate corrective measures by the store and the roofing contractors. This may include halting
the roofing work during store hours until proper safety controls are in place, or at minimum mandating adequate barriers (e.g. protective plastic sheeting, enclosed work areas, or after-hours work only) to prevent any debris from reaching shoppers and food/products below.

3. Ensure contaminated products are handled appropriately. Any food items or merchandise that were exposed to
falling debris should be removed from sale and either thoroughly sanitized or discarded, in accordance with health regulations. DSHS

guidance or orders may be needed to ensure the store does not continue selling potentially adulterated food.

4. Enforce compliance and consider penalties if warranted. The blatant disregard for basic public health safeguards during construction may merit enforcement action. At a minimum, a formal notice or citation to the store for violating sanitary standards would emphasize the seriousness of these conditions and help prevent recurrence.

5. Communicate outcomes and guidance: I would appreciate being informed of the outcome of any inspection or enforcement actions resulting from this complaint. Additionally, it may be beneficial for DSHS to provide Walmart #131 with written guidance on safe renovation practices within occupied food retail environments to help prevent future violations.

I have included photographic and video documentation supporting this complaint. I have included photographic and video documentation supporting this complaint, including video footage captured on July 12, 2025. Due to file size limitations, I am prepared to provide additional video documentation upon request. In addition, I possess further evidence dating back to November 2022 that illustrates the same recurring safety and food safety concerns, which I am prepared to provide upon request.

· Photographs (July 12, 2025): Images of metal shavings on clothing in the apparel department and metal debris scattered on the floor and merchandise in general sales areas.

· Photographs (July 13, 2025): Images showing construction debris on top of a grab-and-go food cooler and on products in the seasonal/back-to-school aisle.

· Video: One short video clip from July 12, 2025, capturing roof metal particles actively raining down near employees and customers on the sales floor. These visuals demonstrate the extent of the hazard and the complete lack of protective barriers at the time.

Thank you for your prompt attention to this urgent public health issue. The community's health and safety are at risk so long as roof construction proceeds without proper precautions. I appreciate DSHS's previous intervention regarding the asbestos survey, and I trust that you will treat this follow-up complaint with equal seriousness despite the different hazard. Please confirm receipt of this complaint and let me know if any additional information is required. I am available to discuss the matter further or assist inspectors with locating the problem areas in the store, if needed.

With gratitude,

Kyle Douglas Moring

Former Asset Protection Investigator – Walmart Store #131

Complainant – OSHA Whistleblower Case #301053630

[redacted]

[redacted]

Click to Download

2025-07-12 - Store 131 - Roof Shavings (Apparel).pdf

31.5 MB

Click to Download

2025-07-13 - Roof Debris (Grab N Go).pdf

163.7 MB

Click to Download

2025-07-12 - Store 131 - Roof Activity (Shavings Falling On Customers).MOV

63.9 MB

EMAIL TRANSCRIPT

FW: Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas

From	"Sepulveda,Jaime (DSHS)" <Jaime.Sepulveda@dshs.texas.gov>
To	John Ankrum <jankrum@mpcity.org>
Cc	"Williams;Joe (DSHS)" <Joe.Williams@dshs.texas.gov>, "Ressler;Lewis (DSHS)" <Lewis.Ressler@dshs.texas.gov>
Date	Mon, 21 Jul 2025 14:01:53 -0500
Message-ID	<PH7PR05MB9060239792DF0B4579DCC425DE5DA@PH7PR05MB9060.namprd05.prod.outlook.com>
Source MSG	FW Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas.msg
MSG SHA-256	1cd1997df68513b552489ac60937d1002d865eb0cbecb1ca693cf91a78a19acf

ATTACHMENTS	1. image001.png

Attachment names are preserved in this transcript; attachment contents are not appended to the email PDF.

MESSAGE BODY

CAUTION: [EXTERNAL EMAIL]

Good afternoon,

The
Texas DSHS Retail Food Safety Operations received some concerns regarding an establishment in Mount Pleasant, Texas. Please see the email below.
A response that this referral has been received will be greatly appreciated.
Let us know if you have any questions.

Thank you,

Jaime Sepulveda, MPH, RS

Compliance Officer

Retail Food Safety Operations

Texas Department of State Health Services

PO Box 149347 MC 1987 Austin, TX 78714-9347

Phone (512) 834-4561

Cell [redacted]

Fax (512) 206-3791

From: [redacted] <[redacted]>

Sent: Monday, July 21, 2025 8:21 AM

To: Motes,Stephen (DSHS) <Stephen.Motes@dshs.texas.gov>; DSHS Food Establishments <FoodEstablishments@dshs.texas.gov>

Subject: Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas

WARNING: This email is from outside the HHS system.
Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Good morning,

I am writing in good faith to submit a formal and supplemental complaint regarding persistent and worsening public health conditions at Walmart Store #131, located at 2311 S. Jefferson Avenue,
Mount Pleasant, TX 75455. This issue has been reported multiple times to the FDA and DSHS, beginning on June 28, 2025, and remains

unresolved as of July 21, 2025. It is also under federal investigation through my OSHA Whistleblower Complaint (#301053630).

The store remains under active roofing construction, which has resulted in substantial contamination of food, infant merchandise, and customer-accessible areas. Roofing debris, metal shavings, ceiling dust, and water intrusion have been observed falling directly onto:

– Infant formula and baby food

– Packaged meats, tortillas, and frozen items

– Snack products and food-contact shelving

– Baby apparel and car seats

– Wet walls and floor areas in open refrigeration zones

Despite these hazardous conditions, no food items have been removed from sale, and the affected areas remain open to both customers and employees. Roofing debris has been observed on food products as recently as July 19, 2025, including sealed formula cans and snack packaging. A GIF and photographic documentation confirming these facts were submitted as part of my formal FDA report (and supplemental updates) under ICSR ID: 2179562.

On July 18, 2025, City of Mount Pleasant officials—including Building Director John Ankrum and the City Health Inspector—visited the store, observed active construction, and subsequently prompted the placement of non-compliant overhead signage and minimal containment barriers. However, by the following day, July 19, 2025, the signage had been removed, and there were even fewer protective measures in place than before their visit, leaving high-risk products directly exposed.

The store continues to operate despite no enforcement action from local authorities. Permit #ROOF35226, issued by the City, reflects serious administrative deficiencies, including incorrect fee calculations, lack of issuance date, and missing asbestos documentation. Asbestos oversight concerns were formally submitted to the DSHS Asbestos Program on June 30, 2025, and assigned Complaint #1499252131. That complaint detailed:

– Absence of NESHAP notification and updated asbestos survey

– 2006 and 2013 reports that excluded roof membrane sampling

– Tear-off activity prior to permit issuance and use of uncontained open dumpsters

– Documented water intrusion in food departments during demolition

These failures indicate a pattern of regulatory avoidance and unsafe conditions involving both the permit holder and the issuing authority. Taken together with the food-contact risks documented in my photographic reports, these issues constitute clear violations of the Texas Food Establishment Rules (TFER):

– §228.211(a): Failure to protect food from contamination

– §228.65(b): Failure to maintain physical facilities in good repair

– §228.66: Exposure of food to overhead contamination hazards

Although these facts overlap with the circumstances raised in my OSHA Whistleblower Complaint (#301053630), this submission is made independently and solely for the purpose of addressing public health and food safety violations under DSHS jurisdiction.

Requested Actions:

1. Conduct an immediate inspection of Walmart Store #131
2. Investigate Permit #ROOF35226 and City enforcement practices
3. Determine whether affected products are adulterated under FD&C §342(a)(4) and TFER

I am prepared to provide the full supporting evidence, including photographs, video, timeline logs, permit records, and contact history with city and state officials. Please advise whether these should be uploaded through an official DSHS portal or submitted directly via email.

In closing, I must also express that, in my view, the lack of decisive action by regulatory authorities in Texas has created a chilling effect on the workforce, particularly in rural communities where options for employment and public services are already limited. It appears to me that Walmart operates as an untouchable entity, immune to meaningful enforcement. This undermines not only consumer protections but also the confidence of frontline employees who report hazards in good faith, only to witness regulatory passivity. Based on my experience and observations, it appears that companies like Walmart are permitted to operate above enforcement—with minimal scrutiny and little regard for the health and safety of the communities they serve.

I urge DSHS to take this matter seriously—not only for the sake of immediate food safety—but for the integrity of public health enforcement and workplace protections
throughout the state.

Thank you for your time and attention. I am acting in the public interest and in accordance with whistleblower protections under FSMA, OSHA 11(c), and Texas Health & Safety Code provisions.

With gratitude,

Kyle Douglas Moring

OSHA Whistleblower Complainant – Case #301053630

[redacted]

[redacted]

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