From: Kyle Moring [redacted]
Subject: Re: Texas Public Information Act Request – City Officials Visit to Walmart Store #131 (January 13, 2026)
Date: January 21, 2026 at 10:00 AM
To: Candias Webster cwebster@mpcity.org
Cc: Austin Beck abeck@dtrglaw.com, Rob Vine rvine@mpcity.org

KM

Ms. Webster:

In your last email, you stated, "**This was all the information the City had on this request, as this is part of our annual routine for this upcoming year. This request is closed 1/21/2026."**

I respectfully submit that this response is insufficient under the Texas Public Information Act for the reasons set forth below, and I request that the City provide the clarifications and certifications described herein.

I. The City's Response Does Not Comply with TPIA Requirements

Your statement that the inspection reports constitute "all the information the City had" appears to be an implicit certification that no other responsive records exist. However, this response fails to meet the requirements for a proper certification of non-existence under the TPIA for the following reasons:

1. **No Category-by-Category Response:** My request identified six specific categories of records. Your response does not address each category individually, leaving ambiguity as to which categories have no responsive records versus which categories were not searched.
2. **No Description of Search Conducted:** A proper certification of non-existence should describe the search conducted to locate responsive records, including which departments, custodians, and record systems were consulted. Your response provides no such information.
3. **No Explanation for Absence of Required Records:** As detailed below, the City's own Standard Operating Procedures require certain records to be created in connection with food establishment inspections. Your response does not explain why these required records do not exist.

II. Conflict with City Code Enforcement Standard Operating Procedures

On September 26, 2025, I received through a prior TPIA request the City of Mount Pleasant Code Enforcement SOP Manual, which you provided as an attachment. That manual establishes mandatory documentation requirements for food establishment inspections that appear to conflict with your certification that no records exist beyond the three inspection report forms.

Specifically, the SOP Manual requires:

1. **HSGov Case Documentation:** "All food establishment inspections will require a case open and closed with the correct information in HSGov." (SOP Manual, Food Establishments Section, Item 7). If this requirement was followed, HSGov case records should exist for each of the three inspections conducted on January 13, 2026.
2. **Comprehensive Investigation Documentation:** "All information gathered in the investigation should be documented in the case until it is closed out. (Pictures, Body Camera Video, Audio Recording, Emails, etc.)" (SOP Manual, Food Establishments Section, Item 1). If this requirement was followed, photographs, recordings, and other documentation should exist.
3. **Recording Device Usage:** The SOP contains multiple provisions regarding recording device usage during inspections, including: "If any CEO is dealing with a citizen, property owner or business owner about any cases, questions, concerns, or complaints. The CEO is required to have their portable issued recording device on and activated during the entire time frame." (SOP Manual, Body Cameras Section). If recording devices were used as contemplated by the SOP, footage should exist.
4. **Inspector Assignment Records:** "Food Establishments Inspections will be assigned to the CEO by the Building Official and divided between the CEO's as equally / fairly as possible... Each month the CEO will enter their upcoming inspections for the month." (SOP Manual, Food Establishments Section, Item 2). If this requirement was followed, assignment and scheduling records should exist.

III. Clarification Regarding "Annual Routine"

Your response characterizes the January 13, 2026 inspections as "part of our annual routine for this upcoming year." However, City records indicate that

the same Walmart Grocery location (Card Code 2329) was inspected on July 09, 2025, approximately six months prior. I request clarification as to whether the City's food establishment inspection schedule is annual, semi-annual, or conducted on some other basis, and whether any scheduling or planning records exist that would be responsive to Category 4 of my original request.

IV. Specific Requests for Clarification and Certification

In light of the foregoing, I respectfully request that the City provide the following:

1. **Category-Specific Certification:** For each of the six categories in my original request, please provide an explicit written statement as to whether responsive records exist, and if not, a brief description of the search conducted.
2. **HSGov Records:** Please confirm whether HSGov case files were created for the January 13, 2026 inspections as required by the SOP, and if so, produce those records. If no HSGov cases were created, please explain why this SOP requirement was not followed.
3. **Recording Device Footage:** Please confirm whether recording devices were used during the January 13, 2026 inspections. If footage exists, please produce it. If no footage exists, please explain whether recording devices were not used or whether footage was created but not retained.
4. **Photographs and Temperature Logs:** Please confirm whether any photographs were taken or temperature measurements were recorded during the January 13, 2026 inspections. The inspection reports contain blank "Measured Observations" sections with no temperature data, which is notable given that food safety inspections inherently involve temperature verification.
5. **SOP Compliance Explanation:** If the City's position is that the SOP documentation requirements were followed, but no records exist beyond the inspection report forms, please explain how that is possible. Alternatively, if the SOP requirements were not followed for these inspections, please explain why.

The TPIA requires governmental bodies to respond completely to public information requests and to certify the non-existence of records with sufficient specificity to allow requestors to understand what searches were conducted. The City's current response does not meet this standard.

I am not seeking to burden the City with unnecessary correspondence, but I do require sufficient information to understand the scope of the City's search and to reconcile the apparent conflict between the City's certification that no additional records exist and the City's own SOP requirements mandating creation of such records.

I respectfully request a response within ten (10) business days. I continue to reserve all rights under the TPIA, including the right to file a complaint with the Office of the Attorney General or seek judicial enforcement if necessary.

Thank you for your attention to this matter.

With gratitude,

Kyle Moring

[redacted]

> On Jan 21, 2026, at 9:43 AM, Candias Webster <cwebster@mpcity.org> wrote:
>
> Mr. Moring,
>
> This was all the information the City had on this request, as this is part of our annual routine for this upcoming year.
>
> This request is closed 1/21/2026
>
> **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

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From: Kyle Moring <[redacted]>
Sent: Wednesday, January 21, 2026 9:12 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>; Rob Vine <rvine@mpcity.org>
Subject: Re: Texas Public Information Act Request – City Officials Visit to Walmart Store #131 (January 13, 2026)

CAUTION: [EXTERNAL EMAIL]

Ms. Webster:

Thank you for your response dated January 21, 2026, to my Texas Public Information Act (TPIA) request submitted on January 13, 2026, regarding the City's visit to Walmart Store #131 on that date. I have received and reviewed the three Retail Food Establishment Inspection Reports (Card Codes 2327, 2328, and 2329) that were provided as responsive documents.

However, my original request encompassed six specific categories of records, and the City's production appears to include only inspection reports from Category 1. The remaining categories of requested records were not addressed in your response, and no explanation was provided as to whether responsive records exist, whether records are being withheld, or whether the City is seeking an Attorney General decision regarding any claimed exceptions.

Pursuant to Texas Government Code Section 552.221(a), a governmental body must promptly produce public information that is not excepted from disclosure. If information does not exist, the governmental body should so certify in writing.

I hereby request that the City of Mount Pleasant provide written certification regarding the existence or non-existence of records responsive to each of the following categories from my original request:

1. **Inspection and Compliance Records (Partial Production):** The City provided three inspection

1. **Inspection and Complaint Records (Partial Production):** The City provided three inspection reports. Please certify whether any additional responsive records exist in this category, including but not limited to: photographs, videos, or audio recordings made during the inspection; body-worn camera footage (if applicable); citations, notices of violation, warnings, or compliance orders; follow-up inspection schedules or re-inspection dates; and any temperature logs, equipment readings, or measurement data recorded during the inspection but not reflected in the final reports.
2. **External Communications (No Records Provided):** Please certify whether any records exist consisting of emails, text messages, instant messages (including Teams, Slack, or similar platforms), letters, memoranda, or other written communications between any City official or employee and Walmart representatives regarding the January 13, 2026 visit, including communications scheduling, coordinating, conducting, or following up on the visit. This includes but is not limited to communications with Asset Protection Operations Coach Logan Tice or any other Walmart management personnel.
3. **Internal Communications (No Records Provided):** Please certify whether any records exist consisting of internal City communications discussing, referencing, or relating to the January 13, 2026 visit to Walmart Store #131, including internal emails, memoranda, meeting notes, call logs, and summaries.
4. **Personnel and Assignment Records (No Records Provided):** Please certify whether any records exist identifying which City officials or employees participated in the January 13, 2026 visit, including assignment sheets, schedules, dispatch records, time records, mileage or travel logs, and sign-in/out logs.
5. **Request/Complaint Records (No Records Provided):** Please certify whether any records exist consisting of complaints, requests for inspection, calls for service, or other communications that prompted, requested, or relate to the January 13, 2026 visit, including any records reflecting a request by Walmart for the City's presence.
6. **Related Regulatory Records (No Records Provided):** Please certify whether any records exist consisting of permits, licenses, registrations, compliance files, or regulatory records accessed, reviewed, created, or updated in connection with the January 13, 2026 visit, including any fees assessed, invoiced, waived, or collected.

For each category listed above, I request that the City provide one of the following written responses:

(a) Production of all responsive records not previously provided;

(b) Written certification that no responsive records exist, specifying the search conducted and the custodians or departments consulted;

(c) Identification of any records being withheld and the specific statutory exception(s) claimed, along with notice of the City's intent to seek an Attorney General decision pursuant to Texas Government Code Section 552.301; or

(d) A statement that additional time is needed to locate and produce responsive records, with an estimated date of production.

As you are aware, the TPIA requires governmental bodies to respond promptly and completely to public information requests. The Texas Attorney General has consistently held that a governmental body's response to a TPIA request must address all categories of information requested and may not simply ignore portions of a request. *See* Tex. Att'y Gen. ORD-561 (1990); *see also* Tex. Gov't Code Section 552.221(a).

I respectfully request that the City provide the requested certifications or additional responsive records within ten (10) business days of this letter. Please direct all responses to [redacted].

Thank you for your prompt attention to this matter. I reserve all rights under the TPIA, including the right to seek enforcement through the Office of the Attorney General or appropriate judicial remedies should the City

seek enforcement through the Office of the Attorney General or appropriate judicial remedies should the City fail to comply with its statutory obligations.

With gratitude,

Kyle Moring
[redacted] | [redacted]

On Jan 21, 2026, at 8:23 AM, Candias Webster <cwebster@mpcity.org> wrote:

Good afternoon, Mr. Moring,

Attached is the information related to your request "Texas Public Information Act Request – City Officials Visit to Walmart Store #131 (January 13, 2026)", and we will consider this request closed 1/21/2026

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

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.

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From: Kyle Moring <[redacted]>
Sent: Tuesday, January 13, 2026 6:11 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>; Rob Vine <rvine@mpcity.org>
Subject: Texas Public Information Act Request – City Officials Visit to Walmart Store #131 (January 13, 2026)

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

Pursuant to the Texas Public Information Act ("TPIA"), Texas Government Code Chapter 552, I request copies of all records in the possession, custody, or control of the City of Mount Pleasant relating to any visit, walkthrough, inspection, meeting, or other interaction by City officials or employees at Walmart Store #131, 2311 S. Jefferson Avenue, Mount Pleasant, Texas 75455, on or about January 13, 2026.

Scope of Request

This request includes, but is not limited to, the following categories of records:

1. **Inspection and compliance records:** All inspection reports, checklists, notes, photographs, videos, audio recordings, body-worn camera footage (if applicable), and any other documentation created during or as a result of the January 13, 2026 visit; any citations, notices of violation, warnings, or compliance orders issued; and any follow-up inspection schedules, re-inspection dates, or compliance deadlines established.

2. **External communications:** All emails, text messages, instant messages (including Teams/Slack or similar platforms, if used), letters, memoranda, or other written communications between any City official/employee and Walmart representatives regarding the January 13, 2026 visit, including communications scheduling, coordinating, conducting, or following up on the visit (including but not limited to communications involving Asset Protection Operations Coach Logan Tice and any other members of Walmart management).

3. **Internal communications:** All internal City communications and records discussing, referencing, or relating to the January 13, 2026 visit to Walmart Store #131, including emails, memoranda, meeting notes, call logs, and summaries.

4. **Personnel and assignment records:** Records identifying which City officials/employees participated in the January 13, 2026 visit, including assignment sheets, schedules, dispatch records, time records, mileage/travel logs, and sign-in/out logs, if any.

5. **Request/complaint records:** Any complaints, requests for inspection, calls for service, or other communications that prompted, requested, or relate to the January 13, 2026 visit, including any records reflecting a request by Walmart for the City's presence.

6. **Related regulatory records:** Any permits, licenses, registrations, compliance files, or regulatory records accessed, reviewed, created, or updated in connection with the January 13, 2026 visit, including any fees assessed, invoiced, waived, or collected.

Time Frame

For communications, scheduling, dispatch, and related coordination records, please include responsive documents from January 01, 2026 through the date of production. For materials created on or about the January 13, 2026 visit (e.g., inspection documentation, photos, videos), please include any responsive records regardless of when they were finalized.

Preferred Format and Cost Notice

Please provide responsive records in electronic format (PDF/native electronic files where

Please provide responsive records in electronic format (PDF/native electronic files where available) via email to [redacted]. Please notify me in advance if costs are expected to exceed $40.00.

Statutory Requirements

The TPIA requires prompt production of public information. If the City contends that any portion of the requested information is excepted from disclosure, please comply with the TPIA's requirements for seeking an Attorney General decision, including providing the requestor notices required by law and identifying the claimed exceptions and the information at issue.

Given prior delays on unrelated requests, I respectfully ask that the City adhere to statutory deadlines and provide a complete production or a clear written explanation of any withholdings.

If you have questions or need clarification to identify responsive records, please contact me at [redacted].

Thank you for your prompt attention to this matter.

With gratitude,

Kyle Moring

[redacted] | [redacted]