# Court USB production (August 28, 2026) · thread T34

Ordinance 2025-24: Significant Whistleblower, TPIA, and Public-Safety Implications

2 message(s), 2025-11-26 · 2025-11-26. Public copy: personal contact details and excluded-subject material boxed.

1. 2025-11-26 01:46  Kyle Moring  · 0 att.
2. 2025-11-26 22:42  Candias Webster  · 1 att.

| | |
|---|---|
| From: | Kyle Moring <[redacted]> |
| To: | Wesley Lyon <Wlyon@mpcity.org>; dcorbell@mpcity.org; Melanie.knight@mpcity.org; jhageman@mpcity.org; kredfearn@mpcity.org; chinton@mpcity.org |
| Cc: | Candias Webster <cwebster@mpcity.org>; Rob Vine <rvine@mpcity.org>; Austin Beck <abeck@dtrglaw.com>; Lea Ream <lream@dtrglaw.com>; [redacted] |
| Date: | 2025-11-26 01:46:12+00:00 |
| Subject: | **Ordinance 2025-24: Significant Whistleblower, TPIA, and Public-Safety Implications** |
| Attachments: | — |
| USB file: | Ordinance 2025-24 Significant Whistleblower, TPIA, and Public-Safety Implications.msg |

CAUTION: [EXTERNAL EMAIL]

The Honorable Mayor Lyon and Members of the City Council,

**TOMA Notice:** I am providing this information as a citizen and whistleblower, and I am not requesting that any Council Member reply or deliberate outside of a posted public meeting. Please do not "Reply All." I intend for this email to be treated as public comment and background for your consideration.

I am writing to respectfully request that the Council **postpone action on Ordinance 2025-24** regarding Texas Public Information Act (TPIA) time limits and "vexatious requestor" provisions, at least until several ongoing whistleblower, public integrity, and regulatory oversight matters involving the City of Mount Pleasant and Walmart Store #131 have been fully and transparently addressed.

By way of background, I am a former Walmart Asset Protection Investigator, an active complainant in a federal OSHA whistleblower case under Section 11(c) of the OSH Act and the Food Safety Modernization Act (FSMA), and the authorized employee representative for current Walmart Store #131 employees in OSHA Enforcement Inspection 1845692.015. Since early 2025, I have submitted numerous safety, environmental, and consumer protection complaints to OSHA (including Section 11(c) and FSMA), the Texas Department of State Health Services (food safety and asbestos), EPA Region VI, TDA, TCEQ, TDLR, USDA-FSIS, the Texas Attorney General's Office, and other oversight bodies. Several of these complaints have already been **substantiated**, including DSHS Asbestos Inspection No. 56114 and DSHS Food Safety Inspection No. 308620, and multiple investigations and open records processes remain active.

Many of my TPIA requests to the City and to MPPD relate directly to these whistleblower matters. I have used the TPIA to preserve evidence, compare local responses with state and federal findings, document hazardous conditions, and understand how enforcement has been carried out at the local level. My requests have been focused on **worker safety, public health, environmental compliance, and transparency**, not personal harassment.

In addition, my interactions with MPPD around Walmart Store #131 have occurred squarely in a public safety and whistleblower context. On September 02, 2025, I reported an alleged [redacted] at the store to MPPD and followed up with Chief Mark Buhman on September 05, 2025, after receiving no acknowledgement. My understanding is that this investigation remains open, which underscores that my engagement has been in furtherance of public safety. On October 22, 2025, while I was at the store in connection with safety concerns, records access, and OSHA-related issues, MPPD issued me a criminal trespass warning. In later-produced records, Sgt. John Beasley texted Chief Buhman that I had "**openly admitted**" I would sue the City; however, the body-worn camera videos and transcripts do not contain any such statement. They reflect my discussion of OSHA/DOL matters, record-keeping fees, and public safety complaints. Chief Buhman's texted reply, "**He can bring it**," before reviewing any footage, and the fact that the offense recording date for Case [redacted] is the same day I was trespassed and those texts were exchanged, are directly relevant to OSHA's non-interference analysis and to my ability to function as an authorized employee representative.

TPIA records further show that **Store Manager Carrie Mahon contacted Chief Buhman on his personal phone to request that I be criminally trespassed from the store three days after I had requested the store's OSHA 300/300A Logs for review.** The store did not provide those logs in response to my request; I had to escalate to Walmart's legal team, and the logs were produced two days later. That sequence itself raises serious concerns under OSHA's employee records access rights, because requesting and reviewing the OSHA 300/300A Logs is a protected activity. It is also important to emphasize that the only reason I know any of these facts—the content and timing of the texts, the use of the Chief's personal phone by the store manager, and the alignment between my protected OSHA records request and the criminal trespass decision—is because I exercised my rights under the Texas Public Information Act and obtained the underlying records from the City.

Despite this context, the City Secretary and the City Attorney have repeatedly stated to me that my requests are **"not in the public's interest"** and have denied my **public interest fee-waiver requests**, even where the requested records involve asbestos findings, food contamination, emergency response, or other matters plainly affecting public safety.

I also believe it is important for the Council to know that, among the many state and federal agencies from which I have requested records—including OSHA, Texas DSHS, EPA Region VI, TCEQ, TDA, TDLR, USDA-FSIS, the Texas Attorney General's Office, and others—the **City of Mount Pleasant is the only entity that has repeatedly charged me substantial fees for records production**. Every other agency has either waived fees, provided records at no cost, or delivered the information electronically without invoking cost barriers. In contrast, the City has issued unusually high estimates (e.g., >$1,500), demanded prepayment, denied fee waivers, and asserted a lack of public interest in records directly tied to worker safety, consumer safety, environmental hazards, and enforcement concerns at Walmart Store #131.

The Council should also be aware that the City continues to state that its records system "does not allow" electronic transfer of documents and therefore requires staff to rely on a print-to-scan workflow. This process not only increases labor time and cost but also **eliminates all metadata**, making it inaccessible to the requestor. Because metadata is an inherent part of electronic public records and is routinely preserved and provided by state and federal agencies, I have repeatedly requested **IT documentation** to understand why the City cannot produce records electronically or in their native formats. Each time, the City Attorney has responded

only that the City uses “special” software, and no supporting IT documentation, system specifications, metadata policies, or vendor explanations have ever been produced. This stands in stark contrast to every other agency I have worked with, which all provide records electronically with metadata intact. Without the requested IT and metadata documentation, neither I nor the public can evaluate whether the City’s claimed technical limitations are legitimate or whether the print-to-scan process is being used to justify elevated costs and to prevent access to metadata that would ordinarily be available.

Beyond the safety and public health aspects, my TPIA work has also raised **serious concerns about permitting, valuation, and fee collection** related to major projects at Walmart Store #131. By comparing records from the City, Titus County Appraisal District, TDLR, and TCEQ, I have identified:

- Apparent discrepancies between TDLR-reported remodel values and the construction values reflected in local permits and appraisal records
- Limited or inconsistent documentation for certain permits, including roof-related permits, where I was initially told there was no issue date, and only minimal information existed
- Indications that substantial work, including portions of the Tire & Lube Express (TLE) remodel and roof-related activity, was performed or substantially underway before permits were issued or before full inspections and approvals were documented
- Inspection findings and hazard documentation (roof leaks, water intrusion, stormwater/wastewater issues, asbestos-related findings) that do not align cleanly with the permit history, declared valuations, and recorded fees

**These issues matter because under-valued projects and under-collected fees directly affect City revenues and fairness to other taxpayers, while unpermitted or inadequately inspected work exposes employees and the public to structural, electrical, asbestos, and sanitation risks.** The only way I have been able to identify and cross-check these discrepancies is by using the TPIA to obtain City permitting records, TDLR files, Titus CAD appraisal data, and related correspondence. If Ordinance 2025-24 is used to label me “vexatious” or sharply limit my allowable research time under Government Code § 552.275, that will impair my ability to continue documenting these concerns and bringing them to the Council’s attention.

At the same time, Ordinance 2025-24 has been placed on the Council agenda and is being framed as a response to “vexatious” requests and staff burden, while:

- I have active **open records/cost-related complaints** with the Texas Attorney General involving the City’s handling of my requests and the City Secretary’s certifications
- In response to my November 25, 2025 request for “**all records related to Ordinance 2025-24,**” I was informed that the City had “**no responsive records,”** even though an Agenda Item Report describing Ordinance 2025-24 and listing the City Secretary as staff contact clearly exists, and the same email referenced seeking an Attorney General opinion on “emails with the attorney” that are, by definition, responsive records (even if the City believes them to be privileged in whole or in part).

In this context, moving forward with Ordinance 2025-24 risks appearing less like a neutral administrative tool and more like a **response to a specific whistleblower’s lawful exercise of public information rights**. It may also chill legitimate public oversight and expose the City to unnecessary legal and reputational risk at a time when multiple state and federal agencies are already reviewing related issues.

For these reasons, I respectfully ask that the Council:

1. **Postpone action on Ordinance 2025-24** until the Texas Attorney General has resolved the pending TPIA and cost-related complaints involving the City and Council has had an opportunity to review those outcomes
2. Direct staff and the City Attorney to provide a **clear, written explanation** of:
    - How Ordinance 2025-24 will be applied in practice
    - What objective, content-neutral criteria will be used before designating a requestor as “vexatious” or invoking Government Code § 552.275 time limits
    - What safeguards will prevent the ordinance from being applied against whistleblowers, employee representatives, or other critics of the City
3. Consider scheduling a **public work session** on TPIA compliance, including cost estimates, “previously furnished” certifications, fee-waiver decisions, and how the City intends to apply § 552.275 in a transparent, lawful, and non-retaliatory manner.

I want to be clear that I recognize the City’s legitimate interest in managing staff time and responding efficiently to records requests. I am not opposed to reasonable administrative procedures that are applied fairly and in good faith. My concern is that adopting Ordinance 2025-24 now, while the City’s TPIA practices are under review, while serious permitting and valuation questions remain unresolved, and while multiple whistleblower-related matters are still open, will undermine public trust and create the appearance that the ordinance is aimed at curtailing protected activity rather than improving efficiency.

I would welcome the opportunity to address the Council at a future meeting or work session and to provide timelines, agency correspondence, and supporting documents demonstrating that my requests have been made in good faith and in furtherance of worker safety, public health, fair taxation, and accountability. I have copied the City Secretary, City Manager, and City Attorney on this email so it may be routed appropriately and preserved within the City’s official records.

Respectfully submitted in good faith,

**/s/ Kyle Douglas Moring**

Kyle Douglas Moring, M.S., LPC-Associate

Former Asset Protection Investigator – Walmart Store #131

Designated Representative of Current Walmart Store #131 Employees

OSHA 11(c)/FSMA Whistleblower Complainant

[redacted] | [redacted]

| | |
|---|---|
| From: | Candias Webster <cwebster@mpcity.org> |
| To: | Lea Ream <LReam@dtrglaw.com>; Wesley Lyon <wlyon@mpcity.org>; "Kelly Redfearn" <KRedfearn@mpcity.org>; Debbie Corbell <DCorbell@mpcity.org>; Melanie Knight <melanie.knight@mpcity.org>; Jonathan Hageman <JHageman@mpcity.org>; Carl Hinton <CHinton@mpcity.org> |
| Cc: | Rob Vine <rvine@mpcity.org>; Austin Beck <abeck@dtrglaw.com> |
| Date: | 2025-11-26 22:42:58+00:00 |
| Subject: | **RE: Ordinance 2025-24: Significant Whistleblower, TPIA, and Public-Safety Implications** |
| Attachments: | DOCS1-#354983-v2-TPIA_Ordinance_(Mt__Pleasant).DOCX |
| USB file: | RE Ordinance 2025-24 Significant Whistleblower, TPIA, and Public-Safety Implications_2.msg (+1 identical copies) |

Good afternoon, Mayor and Council,

I have attached a copy of Ordinance 2025-24 that will be discussed on Tuesday. I have updated the agenda packet with this Ordinance to be viewed online.

Happy Thanksgiving and be safe

**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.

*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.*

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**From:** Lea Ream <LReam@dtrglaw.com>
**Sent:** Tuesday, November 25, 2025 8:37 PM
**To:** Wesley Lyon <wlyon@mpcity.org>; Kelly Redfearn <KRedfearn@mpcity.org>; Debbie Corbell <DCorbell@mpcity.org>; Melanie Knight <melanie.knight@mpcity.org>; Jonathan Hageman <JHageman@mpcity.org>; Carl Hinton <CHinton@mpcity.org>
**Cc:** Rob Vine <rvine@mpcity.org>; Candias Webster <cwebster@mpcity.org>; Austin Beck <abeck@dtrglaw.com>
**Subject:** FW: Ordinance 2025-24: Significant Whistleblower, TPIA, and Public-Safety Implications

CAUTION: [EXTERNAL EMAIL]

*Attorney Client Privileged Communication*

Dear Mayor and Council,

Please do not reply to Mr. Moring. The Assistant City Manager/City Secretary and one of my associates, Austin Beck, have been dealing with Mr. Moring's many requests under the Texas Public Information Act ("TPIA").

Mr. Beck handles much of this work for most of our municipal and other governmental clients. He is very knowledgeable and made the City aware of the possibility of the City passing an ordinance to place limitations on repetitive and excessive requests under the TPIA. This is permitted by Section 552.275 of the Texas Government Code. Here is a link to a TML paper addressing ways that cities may respond to repetitive (vexatious) requestors: Vexatious requestors 2023 memo HB 3033.

The Council will be provided a draft ordinance pursuant to Section 552.275 at the Council meeting on Tuesday, December 2, 2025. As soon as the draft is complete, it will be included in the Council packet and Mr. Moring will be provided a copy.

Mr. Moring's numerous requests have led to this recommendation. Mr. Moring has submitted 45 requests since June of this year. Only three are currently open. Unfortunately, he tends to argue about every response the City provides to him, which causes the City to spend a significant amount of resources responding to his requests and emails.

As you can see by his email below, his complaint is really against Walmart, his former employer. The City was

simply in the crossfire, but Mr. Moring has now become focused on the City.

Should you have any questions or concerns, please let me know.

In the meantime, please do not reply to Mr. Moring.

Regards,
Lea A. Ream
DTRG

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**Sent:** Tuesday, November 25, 2025 7:46 PM
**To:** Wesley Lyon <Wlyon@mpcity.org>; dcorbell@mpcity.org; Melanie.knight@mpcity.org; jhageman@mpcity.org; kredfearn@mpcity.org; chinton@mpcity.org
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Respectfully submitted in good faith,

/s/ **Kyle Douglas Moring**

Kyle Douglas Moring, M.S., LPC-Associate

Former Asset Protection Investigator – Walmart Store #131

Designated Representative of Current Walmart Store #131 Employees

OSHA 11(c)/FSMA Whistleblower Complainant

[redacted] | [redacted]

**CITY OF MOUNT PLEASANT, TEXAS**

**ORDINANCE NO. 2025-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS TO ADD A NEW CHAPTER 38 – PUBLIC INFORMATION REQUESTS TO TITLE III – ADMINISTRATION OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH A CHARGE AND REQUIRE PRIOR PAYMENT BEFORE THE CITY RESPONDS TO CERTAIN REQUESTS FOR THE PRODUCTION OF PUBLIC INFORMATION OR FOR COPIES OF PUBLIC INFORMATION IN ACCORDANCE WITH AND PURSUANT TO CHAPTER 552.275 OF THE TEXAS GOVERNMENT CODE; ESTABLISHING A REASONABLE LIMIT ON THE AMOUNT OF TIME PERSONNEL OF THE GOVERNMENTAL BODY ARE REQUIRED TO SPEND PRODUCING PUBLIC INFORMATION FOR INSPECTION OR DUPLICATION TO A REQUESTOR, AND/OR PROVIDE COPIES OF PUBLIC INFORMATION TO A REQUESTOR; ESTABLISHING COSTS TO BE PAID BY THE PUBLIC FOR REQUESTS THAT EXCEED THE REASONABLE LIMIT; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS,** the City of Mount Pleasant, Texas, ("City") is a home-rule municipality that is subject to the requirements of the Chapter 552, Texas Government Code, also known as the Texas Public Information Act ("TPIA"); and

**WHEREAS,** the City is authorized under Sec. 552.275(a), Texas Government Code, to establish reasonable monthly and yearly limits on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time; and

**WHEREAS,** the City Council for the City has determined that adoption of this Ordinance pursuant to Sec. 552.275 of the TPIA is necessary and appropriate to maintain efficient use of limited City resources, including available personnel time, while also complying with all applicable requirements and obligations imposed upon the City under the TPIA; and

**WHEREAS,** the City Council finds that the minimum monthly and yearly time limits deemed reasonable under Sec. 552.275(b) of the TPIA are indeed adequate to meet the objectives of this Ordinance;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS**, as follows:

**Section 1**. **Recitals.** The above caption and recitals are incorporated herein for all purposes.

**Section 2**. **Amendment of Code of Ordinances.** The City Code of Ordinances is hereby amended at Title III – Administration to add a new Chapter 38 – Public Information Requests, which shall hereafter read as follows:

**TITLE III – ADMINISTRATION**

**…**

**CHAPTER 38: PUBLIC INFORMATION REQUESTS**

**§37.01 – Reasonable Time Limits Established.**
The City shall adhere to all applicable requirements and procedures set forth in Section 552.275 of the Texas Public Information Act or "TPIA". In complying with the requirements imposed upon the City by Chapter 552, Tex. Gov't Code, also known as the TPIA, the City Council has determined that:

(1) Thirty-six hours (36 hours) per fiscal year; or
(2) Fifteen hours (15 hours) per calendar month;

are reasonable limits for the amount of time that City personnel are required to spend each year or month, respectively, producing information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering costs attributable to that personnel time.

**§37.02 – Calculation of Personnel Time.**

(a) Each time the City complies with a request for public information, the City shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement provided to the requestor under this subsection unless the requestor's time limit for the period has been exceeded. The amount of personnel time spent complying with a public information shall include the actual time spent locating, compiling, manipulating data, and/or reproducing the requested information, including time spent preparing a redacted version of existing documents if necessary.

(b) If, in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limit established by the City under §37.01 of this Chapter, the City shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general under Sections 552.262 (a) and (b) of the TPIA.

(c) This subsection applies only to a request made by a requestor who has made a previous request to the City that has not been withdrawn, for which the City has located and compiled documents in response, and for which the City has issued a statement under §37.02(b) of this Chapter that remains unpaid on the date the requestor submits the new request. The City is not required to locate, compile, produce, or provide copies of documents or prepare a statement under §37.02(b) in response to a new request described by this subsection until the date the requestor pays each unpaid statement issued under §37.02(b) in connection with a previous request or withdraws the previous request to which the statement applies.

(d) If the City determines that additional time is required to prepare the written estimate under §37.02(b) and provides the requestor with a written statement of that determination, the City must provide the written statement under that subsection as soon as practicable, but on or before the 10th day after the date the City provided the statement under this subsection.

(e) If the City provides a requestor with a written statement under §37.02(b) and the time limits prescribed by §37.01 regarding the requestor have been exceeded, the City is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the City provided the written statement under that subsection, the requestor submits payment of the amount stated in the written statement provided under §37.02(b). If the requestor fails or refuses to submit payment under this subsection, the requestor is considered to have withdrawn the requestor's pending request for public information.

**§37.03 – Applicability.**

The definitions provided by Sec. 552.275(m) of the TPIA are incorporated by reference herein. This Chapter does not apply if the requestor:

(a) is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
    (1) dissemination by a news medium or communication service provider, including:
        (i) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
        (ii) an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
    (2) creation or maintenance of an abstract plant as described by Section 2501.004, Insurance Code; or

(b) is an elected official of the United States, this state, or a political subdivision of this state; or

(c) is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

**Section 3.** **Severability.** If any word, phrase, clause, paragraph, part or provision of this Ordinance or its subsections, or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of that subsection, and of this Ordinance, shall nevertheless be valid, and the City Council hereby declares that the subsection would have been enacted without such invalid, or unconstitutional word, phrase, clause, paragraph, part or provision, had the City Council known of the invalidity or unconstitutionality.

**Section 4.** **Conflict.** All other Ordinances and parts of other Ordinances directly conflicting with any part of this Ordinance are hereby repealed, only to the extent of such direct conflict.

**Section 5**. **Effective Date.** This Ordinance shall be effective immediately upon passage by the City Council.

**Section 6**. **Open Meeting.** It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED the _____ day of _____ 2025.

_____

**Wesley Lyon II**
**Mayor**

**ATTEST:**

_____

**Candias Webster**
**City Secretary**

**APPROVED AS TO FORM:**

_____

**Lea Ream**
**Attorney for the City**