From: Kyle Moring [redacted]
Subject: Formal Ethics Complaint – Conduct of City Attorneys Lea A. Ream and Austin R. Beck
Date: November 29, 2025 at 7:25 PM
To: Wesley Lyon Wlyon@mpcity.org, dcorbell@mpcity.org, kredfearn@mpcity.org, jhageman@mpcity.org, chinton@mpcity.org, Melanie.knight@mpcity.org
Cc: Rob Vine rvine@mpcity.org, Candias Webster cwebster@mpcity.org, Lea Ream lream@dtrglaw.com, Austin Beck abeck@dtrglaw.com, [redacted]

KM

Good evening,

Please accept the attached letter as my formal ethics complaint submitted under Chapter 34 (Code of Ethics) of the City of Mount Pleasant Code of Ordinances. The complaint concerns the conduct of **City Attorneys Lea Ann Ream and Austin Robert Beck**, as detailed in the attached document.

I respectfully request that the Mayor, City Council, and City Manager treat this as a formal ethics complaint, initiate an independent and impartial investigation, and ensure the preservation of all records relevant to the matters described in the attachment. I also request a written acknowledgment of receipt.

I also request that this complaint be placed on the agenda of a future open meeting of the City Council for discussion and any appropriate action, consistent with applicable law and Council procedures.

Texas Open Meetings Act acknowledgement: I recognize that the Texas Open Meetings Act governs how the Mayor and City Council may discuss City business. By sending this complaint to all of you, I am not asking you to deliberate or take action by email. I am submitting a written ethics complaint for your information and requesting that any discussion or action occur only at a properly posted open meeting or in another manner that complies with the Act.

I remain available to provide supporting documentation or to answer any follow-up questions that an investigator or the Council may have.

Thank you for your attention to this serious matter.

2025-11-29 - City of Mount Pleasant - Formal Ethics ...

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]

Date: November 29, 2025

To:

Honorable Mayor Wesley R. Lyon II and Members of the City Council

City of Mount Pleasant, Texas

Via: City Secretary/Records Management Officer

Re: Formal Ethics Complaint – Conduct of City Attorneys Lea A. Ream and Austin R. Beck Under Chapter 34 (Code of Ethics) and the Texas Disciplinary Rules of Professional Conduct

Mayor Lyon and Members of the City Council:

I respectfully submit this formal ethics complaint regarding the conduct of the City's outside City Attorneys, **Lea Ann Ream** and **Austin Robert Beck**, of **Davidson, Troilo, Ream & Garza, P.C.** ("DTRG"). In my view, their actions and advice to the City have resulted in serious and ongoing violations of:

- Chapter 34 of the City of Mount Pleasant Code of Ordinances (Code of Ethics), particularly §34.03(B), (C), and (J); and
- The Texas Disciplinary Rules of Professional Conduct ("TDRPC"), including Rules 3.02, 3.03, 4.01, and 8.04.

I submit this complaint in my individual capacity and also in my role as:

- Former Asset Protection Investigator at Walmart Store #131 (2311 S. Jefferson Avenue, Mount Pleasant, Texas 75455)
- Designated representative for current Walmart #131 employees in an OSHA enforcement inspection
- Complainant in an OSHA 11(c)/FSMA whistleblower investigation, and in multiple safety, food safety, asbestos, and permitting complaints to DSHS, TDLR, OSHA, and other agencies

In several of those proceedings, state and federal agencies have explicitly relied on the City of Mount Pleasant as the "local health authority" and on the accuracy of its inspections and records. Against that backdrop, the City Attorneys' handling of Public Information Act requests and related legal communications is especially consequential.

I. Complainant Information

Complainant:

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

Phone: [redacted]
Email: [redacted]

II. Respondents

Respondent #1 – Lea A. Ream

- Full name: Lea Ann Ream
- Job title: City Attorney (outside counsel)
- Role: Lead attorney for the City of Mount Pleasant in matters involving the Texas Public Information Act, open records requests, and related legal proceedings
- Firm: Davidson, Troilo, Ream & Garza, P.C.
- Department/division: Contracted Legal Services for the City of Mount Pleasant
- Primary work locations:
    - City of Mount Pleasant City Hall, 501 North Madison Avenue, Mount Pleasant, Texas 75455 (when acting in her capacity as City Attorney)
    - Davidson, Troilo, Ream & Garza, P.C. offices (principal office of outside counsel)
- Supervising authority for City work: Mayor and City Council of Mount Pleasant (through the City Manager and City's engagement of outside counsel)

Respondent #2 – Austin R. Beck

- Full name: Austin Robert Beck
- Job title: Assistant City Attorney/City Attorney (outside counsel)
- Role: Attorney for the City of Mount Pleasant, responsible for drafting and issuing TPIA cost estimates, advising on responses to public information requests, and representing the City in Attorney General open records matters
- Firm: Davidson, Troilo, Ream & Garza, P.C.
- Department/division: Contracted Legal Services for the City of Mount Pleasant
- Primary work locations:
    - City of Mount Pleasant City Hall, 501 North Madison Avenue, Mount Pleasant, Texas 75455 (when acting in his capacity as City Attorney)
    - Davidson, Troilo, Ream & Garza, P.C. offices (principal office of outside counsel)
- Supervising authority for City work: Mayor and City Council of Mount Pleasant (through the City Manager and City's engagement of outside counsel)

III. Legal and Ethical Framework

A. City of Mount Pleasant Code of Ethics – Chapter 34

Chapter 34 requires City officials and employees to act independently and impartially, prohibits the use of public office for personal gain, and requires full implementation and enforcement of City ordinances and official programs.

Section 34.03 ("Unethical Activity") prohibits, among other things:

- Using his or her official position to solicit or secure special privileges or exemptions for himself or herself or others **(§34.03(B))**
- Disclosing information that could adversely affect the property, government or affairs of the city or directly or indirectly use any information gained by reason of his or her official position or employment for his or her own personal gain or benefit or for the private interest of others **(§34.03(C))**
- Knowingly perform or refuse to perform any act in order to deliberately hinder the execution and implementation of any city ordinances, rules or regulations or the achievement of official city programs **(§34.03(J))**

Violations of Chapter 34 are misdemeanors and grounds for discipline under §34.99.

Although Ms. Ream and Mr. Beck are outside counsel rather than direct employees, they function as City Attorneys and are agents of the City. Their exercise of delegated authority, particularly over public access to records and over representations to the Attorney General, falls squarely within the ethical expectations of Chapter 34.

B. Texas Disciplinary Rules of Professional Conduct

As licensed Texas attorneys, Ms. Ream and Mr. Beck are bound by the TDRPC. Relevant here are:

- **Rule 1.13 (Organization as Client)** – A lawyer retained by a governmental entity represents the entity as a whole and must act in the entity's best interests.
- **Rule 3.02 (Minimizing the Burdens and Delays of Litigation)** – A lawyer shall not take a position that unreasonably increases the costs or other burdens of a case or that unreasonably delays its resolution.
- **Rule 3.03 (Candor Toward the Tribunal)** – A lawyer shall not knowingly make a false statement of material fact or law to a tribunal, or fail to correct a false statement previously made.
- **Rule 4.01 (Truthfulness in Statements to Others)** – A lawyer shall not knowingly make a false statement of material fact or law to a third person or fail to disclose a material fact to avoid assisting a criminal or fraudulent act by a client.

- **Rule 8.04 (Misconduct)** – Prohibits conduct involving dishonesty, fraud, deceit, or misrepresentation, and conduct constituting a serious interference with the administration of justice.

DTRG's own CLE presentation, "Succotash of City Attorney Ethics," stresses that a city attorney's "one client and one client only" is the city as an entity, and that the attorney must act in the best interests of the city as a whole and know the Texas Disciplinary Rules.

IV. Background and Whistleblower Context

As set out in my separate ethics complaint regarding City staff, I have been actively engaged in protected activity, specifically reporting serious safety, food safety, permitting, and asbestos concerns at Walmart Store #131. State agencies, including DSHS, TDLR, and OSHA, have, in several instances, deferred to the City of Mount Pleasant as the "local health authority," closing or limiting state investigations on the assumption that the City's inspections and records accurately reflect conditions at the store.

During this same time period, Ms. Ream and Mr. Beck have:

- Taken over the City's handling of my Texas Public Information Act ("TPIA") requests on these topics
- Structured cost estimates, AG-ruling requests, and responses in a way that has delayed, limited, and sometimes mischaracterized my access to records

They have done so with full knowledge that:

- I am the complainant in an active OSHA 11(c)/FSMA whistleblower investigation
- I am the designated representative for current Walmart #131 employees in an OSHA enforcement inspection
- My requests are directly tied to public health and workplace safety concerns at that facility

In my view, the City Attorneys' pattern of conduct has hindered the implementation of state law (the TPIA), city ordinances (including records management obligations), and official programs related to public health and safety, contrary to §34.03(J).

V. Allegations Concerning City Attorneys Lea A. Ream and Austin R. Beck

A. Inflated and Obstructive TPIA Cost Estimates

On August 15, 2025, Mr. Beck, "for the Firm" as City Attorneys for Mount Pleasant, issued an itemized cost estimate letter in response to my request for building permit records from January 01, 2025, forward.

That letter:

- Estimated **4,950 copies** at $0.10 for $495.00, even though much of the requested information existed in electronic form and could be produced digitally
- Estimated **72 hours of personnel time** at $15/hour ($1,080.00), plus 20% overhead on labor ($216.00), for a **total of $1,791.00**
- Required a **bond for the full estimated amount** before work would begin, effectively forcing a deposit of $1,791 simply to access public records

The letter also stated that an "alternative, less costly method of viewing the records is available" and invited me to contact Mr. Beck, but did not describe that method or explain why electronic inspection could not be provided at little or no cost.

In practice:

- The City was already able to extract electronic permit data (including valuations and fees) from its software for internal use and external CAMA feeds
- The request was narrowed multiple times, and much of the information should have been retrievable with simple queries

Yet the firm persisted in treating the request as a massive paper copy project. In my view, this approach violated the spirit of TDRPC Rule 3.02 (which prohibits positions that unreasonably increase costs or delay), and it worked against the City's obligation under Chapter 36 to provide economical, efficient access to public records.

B. Use of a Mis-Tailored "City of Cibolo" Cost Estimate Template

On June 27, 2025, Assistant City Manager/City Secretary Candias Webster emailed me a cost estimate letter for my request titled "Roofing & Construction Permits (2019–Present) – Walmart Store #131."

That letter:

- Addressed me as "Dear Mr./Ms. REQUESTOR LAST NAME: Moring," showing that a generic template field had not been properly filled
- Stated that I could respond to the itemized estimate by emailing **pcimics@cibolotx.gov** – an email address belonging to the **City Secretary of Cibolo, Texas**, not Mount Pleasant, Texas

Public records confirm that:

- The email address "pcimics@cibolotx.gov" is the official contact of the City Secretary's office for the **City of Cibolo, Texas**
- The City of Cibolo is represented in TPIA matters by **Davidson, Troilo, Ream & Garza**, which is identified in an Attorney General ruling and Cibolo agenda packets as counsel for that city

In other words, Ms. Webster appears to have used a DTRG-drafted Cibolo template for a Mount Pleasant cost estimate letter and failed to update the contact email and placeholder fields. The template includes language stating that the request will be automatically withdrawn if the requestor does not respond within 10 business days, and it directs the response to the City Secretary in a different city.

This strongly suggests that:

- DTRG is providing generic, boilerplate TPIA forms that city staff are expected to reuse with minimal editing
- Those forms were not adequately tailored to Mount Pleasant's processes, or proof-checked for accuracy, even though the firm's name and professional reputation carry authority with requestors

For a law firm that trains other city attorneys on ethics and emphasizes the importance of understanding their client and the TDRPC, this level of carelessness in TPIA notices is deeply concerning.

At a minimum, it reflects a systemic, attorney-driven practice of treating serious TPIA communications as interchangeable boilerplate, rather than as precise, city-specific legal documents. When those templates threaten automatic withdrawal, refer requestors to the wrong jurisdiction, and are used in matters involving asbestos and public safety concerns, they become more than clerical errors – they become part of an obstructive pattern.

C. Misleading "All Records Previously Furnished" Certification to the Attorney General

In late 2025, the Texas Attorney General's Open Records Division opened **Service Request OR-25-034390-IC** regarding my Walmart #131-related TPIA requests. The AG asked the City to state whether:

- All responsive information had been released
- No responsive information existed
- Some information had been released, and the rest was subject to an AG ruling request
- Or none of the above, with an explanation

According to the draft Bar grievance I prepared (based on the City's communications in that proceeding), the City – acting through the City Secretary with guidance or approval from Ms. Ream and Mr. Beck – represented to the Attorney General that **all responsive records had already been provided under an earlier request.**

That statement was false. At the time of the certification, there were still undisclosed records plainly within the scope of my requests, including:

- Two anonymous code enforcement complaints were submitted through the City's portal in July 2025 regarding Walmart #131

- A complaint phone call placed by [redacted] on July 18, 2025
- A case file for an August 20, 2025 inspection at Walmart #131

These records existed and were later produced or acknowledged only after continued pressure. Yet the City Attorneys did not correct the "previously furnished" narrative or ensure the AG had accurate information.

The City's counsel later "recast" the timeline of my request, asserting that it was received on August 13, 2025, rather than July 31, 2025, apparently in an effort to minimize or avoid the consequences of missed statutory deadlines.

If accurate, this conduct raises serious concerns under:

- **TDRPC Rule 3.03**, which forbids false statements of material fact or law to a tribunal or quasi-adjudicative body (here, the Attorney General acting under Chapter 552)
- **TDRPC Rule 4.01**, which prohibits false statements of material fact to third persons and the failure to disclose material facts when necessary to avoid assisting a client's fraudulent act
- **Chapter 34 §34.03(C) and (J)**, by helping sustain a misleading narrative that hindered enforcement of the Public Information Act and obscured the true picture of health and safety complaints at Walmart #131

D. Handling of October 22, 2025 Walmart Trespass Text Messages and Metadata

On October 22, 2025, Mount Pleasant Police Department officers responded to a call at Walmart #131 (**MPPD Case 25-17553**) that resulted in a criminal trespass warning being issued against me. Given my whistleblower status and role as designated representative for current employees, this was highly concerning.

I subsequently submitted TPIA requests for:

- CAD event files, body-camera footage, and records of police interaction with Walmart management
- **Text messages and other communications** between MPPD Chief Mark Buhman, other officers, and Walmart personnel relating to the incident
- **Metadata** (original timestamps, sender/recipient IDs, device identifiers) and a search of **temporary custodians** (personal devices used for official business), as required by Tex. Gov't Code §552.002(a-1) and §552.233

The City initially responded with:

- Body-camera videos and some CAD records
- A handful of screenshots, hand-typed timestamps, and participants summarized in the body of an email from MPPD Records Manager April Nipp

However, the City did **not**:

- Produce any native-format text messages or exports from the underlying devices
- Provide genuine metadata fields (such as original send/receive timestamps, message IDs, or device identifiers)
- Provide documentation of searches of **personal phones** or **accounts** of officers acting as **temporary custodians**

I then submitted a supplemental TPIA request specifically requesting:

- Native-format communications (or at least proper exports)
- Proof that the City had searched personal devices and accounts used for official business, in accordance with statutory requirements

The email chain in the file shows that Mr. Beck was added to this correspondence. Rather than directing a proper search for temporary custodian records or instructing staff to export the texts in native form, the City treated the matter as essentially closed after providing only hand-keyed timestamps in an email, which I view as neither complete nor reliable.

From my perspective, this handling:

- Failed to comply with state law regarding public information held by temporary custodians
- Fell short of the City's obligations under Chapter 36 to maintain and furnish complete records
- Unreasonably increased the burden and delay of obtaining accurate information about a police action directly affecting a whistleblower, contrary to TDRPC Rule 3.02

When the City's legal counsel allows officers and staff to satisfy a public records request with manually typed summaries of text messages instead of original data, and when they close the request without ensuring searches of personal devices have occurred, it undermines public trust in both the police and the City's legal department.

E. Charging for Duplicates, Refusing Refunds, and Repeated Delays

Across numerous requests, I have experienced the following pattern under the stewardship of Ms. Ream and Mr. Beck:

- Cost estimates that assume high labor hours and voluminous paper copies, even when records exist electronically
- Prolonged use of full 10-business-day response windows, even for straightforward items, followed by last-minute notices or AG referrals
- Production of **duplicate copies** of records that had already been provided in response to earlier requests, with the City **declining to refund** or credit the associated charges

- Requests declared "closed" despite unresolved questions, missing metadata, or outstanding categories of documents

The August 15, 2025 cost estimate letter itself states that the City "**has not determined that providing copies of responsive information will primarily benefit the general public**," despite the obvious public health nature of asbestos, food safety, and police response issues at a major local retailer.

Taken together, these practices are not mere clerical errors. They form a **coherent pattern** of:

- Making access to records unusually expensive and procedurally burdensome
- Delaying or discouraging full production, particularly on subjects that might expose the City or its staff to criticism or liability
- Doing so while fully aware of my whistleblower status and ongoing OSHA/FSMA complaints

Under **Chapter 34 §34.03(J)**, knowingly acting or refusing to act in ways that hinder the execution of ordinances, rules, or official programs is unethical. Under the **TDRPC**, repeatedly taking positions or structuring responses that unreasonably increase the cost and delay of accessing public records – especially when those records bear on public safety – implicates **Rules 3.02, 4.01, and 8.04.**

VI. Violations of Chapter 34 and Relevant Professional Rules

Based on the foregoing, I believe Ms. Ream's and Mr. Beck's conduct violates the following provisions:

1. **Chapter 34 §34.03(B) – Special Privileges or Exemptions**
    - By structuring TPIA responses and certifications in ways that appear to protect Walmart and certain City staff from scrutiny (for example, minimizing documentation of complaints and inspections, and resisting full disclosure of communications around the October 22, 2025 trespass incident), the City Attorneys have effectively conferred **special treatment** on a regulated entity and on City decision-makers.
2. **Chapter 34 §34.03(C) – Misuse of Information**
    - The City Attorneys have participated in or allowed **misleading statements** about the existence and completeness of records—for example, the "all responsive records previously furnished" certification to the Attorney General despite known outstanding complaints and inspection files.
    - They have also allowed city officials to rely on inaccurate cost estimate templates and boilerplate that obscure the true nature and volume of requested records (such as the Cibolo template with incorrect contact information), thereby misleading both requestors and state oversight bodies.
3. **Chapter 34 §34.03(J) – Hindering Execution of Ordinances and Official Programs**

- The repeated use of inflated cost estimates, generic templates threatening automatic withdrawal, and delayed responses has had the effect of **hindering enforcement of the Texas Public Information Act** and frustrated the City's records management program under Chapter 36.
- By tolerating or encouraging practices that produce incomplete records (such as hand-typed timestamps instead of actual metadata and failure to search temporary custodians), the City Attorneys have hindered the implementation of both the TPIA and the City's own ordinances requiring accurate recordkeeping.

4. **TDRPC Rules 3.02, 3.03, 4.01, and 8.04**
    - DTRG's own ethics materials stress that a city attorney "has one client and one client only—the city as a whole" and must act in its best interests. Yet the patterns described above do not appear to serve the City's long-term interest in transparency, legal compliance, and public trust.
    - The apparent misrepresentations and omissions in the AG open records matter implicate Rule 3.03 (candor toward a tribunal or quasi-adjudicative body) and Rule 4.01 (truthfulness to others).
    - The systematic inflation of costs and the use of confusing, misdirected templates run counter to Rule 3.02's requirement to avoid positions that unnecessarily increase burdens and delays.
    - When viewed together, these actions constitute a pattern of conduct involving **misrepresentation and serious interference with the fair administration of open records law**, which falls within Rule 8.04.

VII. Requested Actions and Remedies

In light of these concerns, I respectfully request that the Mayor and City Council:

1. **Accept this letter as a formal ethics complaint** against Lea Ann Ream and Austin Robert Beck under Chapter 34 of the City's Code of Ethics.
2. **Engage independent outside counsel or an independent investigator** (not currently advising the City) to conduct a thorough review of:
    - All TPIA requests and responses involving Walmart Store #131, asbestos and roofing permits (including ROOF-35226), and the October 22, 2025 trespass incident (MPPD Case 25-17553)
    - The August 15, 2025 cost estimate letter and similar estimates, including the basis for the 4,950-page and 72-hour labor assumptions
    - The June 27, 2025 "Cibolo" cost estimate letter and the firm's template practices, including why Mt. Pleasant requestors were directed to the City of Cibolo's City Secretary email address
    - The handling of OR-25-034390-IC and any other AG open records matters in which the City certified that all records had been "previously furnished" despite outstanding responsive records
    - The handling of my supplemental request for text message metadata and temporary custodian searches, including whether personal devices used for City business were examined, and whether native format records exist but were withheld

3. **Direct the City Manager and Records Management Officer** to:
    - Suspend use of any generic cost estimate templates that reference other cities or misstate requestor obligations
    - Implement a policy requiring that native format records and metadata be preserved and produced when requested, including from temporary custodians
    - Ensure that all future TPIA communications are reviewed for accuracy and city-specific tailoring before being sent in the City's name
4. **Consider appropriate remedial and disciplinary measures**, including:
    - Issuing a formal directive to the City Attorneys to comply strictly with both Chapter 34 and the TDRPC
    - Reassessing or, if necessary, re-bidding the City's outside legal services contract if a pattern of unethical conduct is substantiated
    - Providing Council-level training on the TPIA and on your oversight responsibilities with respect to outside counsel
5. **Require a written report of findings** to the City Council and the public once the investigation is complete, including:
    - A clear statement of whether ethical or legal violations occurred
    - Any steps taken to correct the record with the Attorney General or any other state agency
    - Policy changes to prevent recurrence

VIII. Evidence and Cooperation

To avoid overburdening the Council at this initial stage, I am not attaching my full document set. However, I am prepared to provide, upon request, to any investigator designated by the Council:

- Copies of my TPIA requests and the City's responses, including cost estimate letters
- The June 27, 2025 "Cibolo" cost estimate letter and related email from Ms. Webster
- The August 15, 2025 cost estimate letter signed by Mr. Beck
- Correspondence and filings in OR-25-034390-IC and related AG matters
- Email chains and records related to the October 22, 2025 trespass incident and supplemental metadata requests

My intent in bringing this matter forward is to protect public health, promote transparency, and restore confidence in the City's legal and ethical standards.

IX. Confidentiality and Retaliation Concerns

I respectfully request confidentiality to the extent allowed by law. I understand that some or all of this complaint may be subject to disclosure under the Texas Public Information Act.

Given my status as an OSHA/FSMA whistleblower, my prior experiences at Walmart #131 (including the issuance of a criminal trespass warning while I was engaged in protected activity), and the City's discussions about "vexatious" requestors, I have a reasonable concern about

retaliation or interference.

I respectfully request that:

- No adverse action be taken against me in response to this complaint or my TPIA requests
- The City provide appropriate training and guidance to staff on interacting with whistleblowers and employee representatives in a lawful, non-retaliatory manner

X. Verification and Closing

I affirm that the information contained in this complaint is true and correct to the best of my knowledge, information, and belief, based on the documents and communications available to me as of the date of this letter. I understand that further investigation may clarify or supplement certain facts, and I remain willing to cooperate with any appropriate inquiry by the City or external authorities.

Thank you for your attention to this matter and for your service to the citizens of Mount Pleasant. I respectfully request that the Council treat this complaint with the seriousness it warrants and act promptly to uphold the City's Code of Ethics, its Records Management Ordinance, and the public's trust.

Respectfully submitted in good faith,



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]