Court USB production (August 28, 2026) · thread T38

Fwd: Office of the Attorney General, Open Records Division ID# OR-25-036830-CC

1 message(s), 2025-11-30 · 2025-11-30. Public copy: personal contact details and excluded-subject material boxed.

1. 2025-11-30 21:46 Kyle Moring · 2 att.

From:	Kyle Moring <[redacted]>
To:	Wesley Lyon <Wlyon@mpcity.org>; dcorbell@mpcity.org; kredfearn@mpcity.org; chinton@mpcity.org; Melanie.knight@mpcity.org; jhageman@mpcity.org
Cc:	Rob Vine <rvine@mpcity.org>; Candias Webster <cwebster@mpcity.org>; Lea Ream <lream@dtrglaw.com>; Austin Beck <abeck@dtrglaw.com>; [redacted]
Date:	2025-11-30 21:46:19+00:00
Subject:	**Fwd: Office of the Attorney General, Open Records Division ID# OR-25-036830-CC**
Attachments:	OR-25-036830-CC.pdf, Attachment.pdf
USB file:	Fwd Office of the Attorney General, Open Records Division ID# OR-25-036830-CC.msg (+1 identical copies)

CAUTION: [EXTERNAL EMAIL]

Honorable Mayor Lyon and Members of the City Council,

TOMA notice: I am providing this information as a citizen and whistleblower. I am not requesting that any Council Member reply or deliberate outside of a posted public meeting, so please do not “Reply All.”

For your awareness and in connection with my pending ethics complaints and prior correspondence regarding Ordinance 2025-24 and TPIA cost practices, I am forwarding the attached correspondence from the Office of the Attorney General’s Open Records Division.

The OAG has opened a cost complaint review, ID# OR-25-036830-CC, concerning the City’s August 15, 2025 estimate of $1,791.00 for my commercial building permit records request. The OAG’s letter asks the City Attorney to explain, among other things, how the estimated personnel time was calculated and whether the responsive records exist in electronic or paper form.

As you know, that same estimate and the City’s broader cost estimate and metadata practices are already the subject of my November 27, 2025 and November 29, 2025 ethics complaints submitted to the Council. I am sharing this OAG correspondence so that you have the same information your outside counsel has received as you exercise your oversight responsibilities under Chapter 34 (Code of Ethics), Chapter 36 (Records and Information Management), and Ordinance 2025-24.

I understand the OAG’s letter is an information request and not yet a final determination. I will, of course, continue to cooperate with any lawful review by state or local authorities.

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]

Begin forwarded message:

From: OpenRecordsAssistance <OpenRecordsAssistance@oag.texas.gov>
Subject: Office of the Attorney General, Open Records Division ID# OR-25-036830-CC
Date: November 30, 2025 at 1:38:15 PM CST
To: "abeck@dtrglaw.com" <abeck@dtrglaw.com>

Dear Mr. Beck:

The Office of the Attorney General (the “OAG”) has received a complaint from Kyle Moring alleging the City of Mount Pleasant is overcharging for copies of public information under the Public Information Act (the “Act”). The complaint was assigned ID# OR-25-036830-CC. Please see the attached documents regarding the complaint.

A response may be submitted by mail to P.O. Box 12548, Austin, Texas 78711 or submitted online at: https://oag.my.site.com/OpenRecords/s/.

To submit a response through the online form, you must include the full complaint ID number provided above in order to submit your documentation.

Sincerely,

Education and Enforcement Section
Open Records Division

PLEASE NOTE: ORD does not respond to questions sent to this e-mail address. If you need further assistance, please contact the Open Government Hotline at 1-877-673-6839.

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 25, 2025

Mr. Austin R. Beck
Counsel for City of Mount Pleasant
Davidson Trolio Ream Garza, P.C.
Sent via email

Dear Mr. Beck:

The Office of the Attorney General ("OAG") received the enclosed complaint from Kyle Moring alleging City of Mount Pleasant (the "city") is overcharging for copies of public information under the Public Information Act (the "Act"), chapter 552 of the Government Code. The complaint was assigned ID# OR-25-036830-CC.

The city received a request for all commercial building permits issued by the city during a defined period of time. The city provided the requestor an estimate in the amount of $1,791.00. The requestor believes the charges are excessive.

Pursuant to section 552.269(a) of the Government Code, the city is required to respond to the following questions in writing within ten business days after the date you receive this letter:

1. How did the city determine the number of personnel hours necessary to produce the responsive information? Please describe the process in a step-by-step manner, stating the time each step will take. If a sample test was performed, please provide a brief description of the results of the test.

2. Does the information requested exist in paper form, electronic form, or both? Please explain which records exist in paper form, and which exist in electronic form.

3. Where are the records physically located? If the records are in two or more separate buildings, please provide a simple map showing the location of the buildings, including thoroughfares.

4. Will any information be redacted from the records? If so, what information will be redacted, and will the redaction be done manually, electronically, or a combination of both? Please state which exceptions to disclosure apply and if the city plans to seek a ruling for the requested information.

For your convenience, you may access the 2024 Public Information Handbook at https://www.texasattorneygeneral.gov/open-government.

Additionally, you may access the Public Information Cost Estimate Model at https://www.texasattorneygeneral.gov/open-government/governmental-bodies/charges-public-information to help you comply with section 552.2615 of the Act.

If you have any questions or need further assistance, please call the Open Government Hotline at (888) 672-6787.

Sincerely,

Education and Enforcement Section
Open Records Division

Ref: ID# OR-25-036830-CC

Enclosure

c: Mr. Kyle Moring
Sent via email.

DAVIDSON TROILO REAM GARZA PC

JOHN W. DAVIDSON ARTHUR TROILO *(1931-2020)* CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER
PATRICK W. LINDNER LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL R. JO RESER
PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER
ARTHUR C. TROILO III NICONDRA CHARGOIS-ALLEN BETSY J. JOHNSON MOLLY G. SOLIS
HEATHER R. STARLING AUSTIN R. BECK JUSTIN J. NAIL E. SPENCER NEALY CHELSEA N. AMEN
OF COUNSEL TERRY TOPHAM

August 15, 2025

VIA EMAIL TO: <[redacted]>

Mr. Kyle Douglas Moring
TPIA Requestor

RE: Cost Estimate for TPIA Request to City of Mount Pleasant, Texas (Rec'd August 13, 2025)

Dear Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas (the "City"). The City received a public information request from you on August 13, 2025, for "All commercial building permits issued by the City of Mount Pleasant between January 1, 2025, and the date of the request, including applications, project valuations, assessed fees, property addresses, and applicant/project descriptions." All information responsive to other portions of your request will promptly be made available to you. However, the City anticipates that more than 50 pages of documents will be identified as being responsive to the portion of your request quoted above, and therefore the City is entitled to reimbursement for costs associated with materials, labor and overhead that will be incurred by the City in processing that portion of your request. Charges for providing copies of information responsive to your request will not be waived because the City has not determined that providing copies of responsive information will primarily benefit the general public.

The City has determined that fulfilling your request will result in the imposition of a charge that exceeds $40.00 for recovery of costs incurred by the City in order to process your request. Therefore, the City is providing you with an itemized cost estimate as required by §552.2615 of the Texas Government Code. If the City later determines, before making any copies of responsive information available to you, that actual charges for providing copies of responsive information will exceed the estimated amount stated herein by 20% or more, the City will provide you with an updated estimate of charges. Furthermore, please be advised that the City has identified certain responsive information that may be excepted from required public disclosure under the TPIA and which may be withheld following a decision on the matter by the Attorney General.

Itemized Statement of Estimated Charges:

Description	**Qty x Price**	**Total**
Copies	4950 x $0.10	$495.00
Personnel Time ($15/hour)	72 hours x $15.00	$1,080.00
Overhead charges (20% of labor cost)	20% of $1080.00	$216.00
Total cost		**$1,791.00**

An alternative, less costly method of viewing the records is available, and you may contact me

regarding the alternative method. Your request will be considered automatically withdrawn if you do not respond in writing to this itemized cost estimate in the time and manner required by §552.2615 of the TPIA, and you may respond in writing to this itemized cost estimate by email to the City Secretary at cwebster@mpcity.org. *See* §552.2615(a)(2) and (a)(3), Tex. Gov't Code. In accordance with §552.2615(b) of the TPIA, **your request will be considered to have been withdrawn** by you if you do not inform the City in writing within ten business days from the date this letter was sent to you that you:

(a) accept the charges;
(b) wish to modify your request; OR
(c) have sent to the Texas Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the requested information.

Because the total estimated charges exceed $100.00, if you elect to accept the estimated charges the City requires that you post a bond with the City, for payment of the anticipated costs for the preparation of copies of responsive information, in an amount equal to the entire estimated amount, which is **$1,791.00** for this request. The remainder of the actual, total cost incurred by the City must be paid in full before the responsive information will be made available to you. *See* §552.263, Tex. Gov't Code. Upon informing the City that you accept the estimated charges, should you choose to do so, please contact me by email to coordinate posting of the required bond. If you fail to post the required bond before the 10th business day after the date the bond is required, which is the date on which you inform the City that you accept the estimated charges, your request will be considered to have been withdrawn by you. *See id*, at §552.263(f).

Please contact me if you have any questions regarding this matter. If you have any questions regarding the TPIA process generally, please consult with the Open Records Division of the Office of the Attorney General of Texas.

Regards,

/s/ Austin Beck
Austin Beck
For the Firm
City Attorneys for Mount Pleasant
Davidson, Troilo, Ream & Garza P.C.
601 NW Loop 410, Ste. 100
San Antonio, Texas 78216
Email: abeck@dtrglaw.com
Tel: (210) 349-6484
Fax: (210) 349-0041