March 02, 2026
VIA EMAIL

The Honorable Wesley R. Lyon II and Councilmembers
City of Mount Pleasant
501 N. Madison Avenue
Mount Pleasant, Texas 75455

RE: Formal Request for Review – Selective Accountability, Cross-Jurisdictional Pattern of Conduct by City Manager Robert G. Vine, and Disparate Treatment of Ethics Complaints

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Dear Mayor Lyon and Members of the City Council,

I am writing to request Council review and written clarification of the City's process for handling ethics complaints, and to request consistent application of that process. Specifically, I filed two formal complaints in November 2025 and have not received written acknowledgment, a status update, or information on next steps. In contrast, the Council promptly initiated an independent process for a separate complaint. I am providing a concise timeline and attached exhibits so the Council can evaluate what actions have been taken and what actions remain pending.

Each of the matters discussed below is supported by documents already in the City's possession or attached as exhibits to this letter. If any factual statement in this letter is inaccurate, please notify me in writing so I can correct the record promptly.

I. THE DISPARATE TREATMENT OF ETHICS COMPLAINTS

A. The Tafoya (Knight) Complaint: Six Days to Independent Investigation

On November 12, 2025, a member of the public filed an ethics complaint against Councilmember Melanie Tafoya (Knight). Six days later, at the November 18, 2025 City Council meeting, Councilmember Debbie Corbell moved that the City hire an independent third party to investigate the complaint under the City's ethics code and the Charter's investigative powers, with findings to be reported back to the Council. Councilmember Jonathan Hageman supported the motion, stating that transparency required the City to move forward. The motion passed four to one.

The City has since escalated its pursuit of the Tafoya (Knight) investigation further. On February 03, 2026, following a reconvened executive session, the Council returned to open session and authorized the issuance of subpoenas for witnesses, administering oaths, and compelling the production of books, papers, and other evidence in the

investigation, and directed the Mayor to sign the subpoenas. The motion carried. The City has authorized the use of subpoenas and other compulsory process in connection with the Tafoya (Knight) ethics investigation.

I do not question the Council's decision to investigate that complaint. Indeed, I commend it. What I question is why the same standard has not been applied—and was not even *considered*—when formal ethics complaints were filed against City employees on the taxpayer-funded payroll whose conduct directly implicates public health, safety, records integrity, and government transparency.

B. Complaints Filed November 27 and 29, 2025: No Written Response to Date

On **November 27, 2025**, I filed a Formal Ethics and Records Management Complaint under Chapter 34 (Code of Ethics) and Chapter 36 (Records and Information Management) of the City of Mount Pleasant Code of Ordinances against three City employees (**Exhibit A**):

- **Candias Webster**, Assistant City Manager/City Secretary
- **John Ankrum**, Building Official
- **Juan Pedro Ramirez**, Health Inspector/Code Compliance Officer

On **November 29, 2025**, I filed a second Formal Ethics Complaint under Chapter 34 against two additional City officials (**Exhibit B**):

- **Lea Ann Ream**, City Attorney
- **Austin Robert Beck**, City Attorney

Both complaints were sent directly to the Mayor, every member of the City Council, and the City Manager. Both expressly requested: **(1)** that the Council treat them as formal complaints; **(2)** that an independent and impartial investigation be initiated; **(3)** that all relevant records be preserved; **(4)** that written acknowledgment of receipt be provided; and **(5)** that the complaints be placed on a future Council agenda for discussion and appropriate action. Both included Texas Open Meetings Act acknowledgments to facilitate lawful Council consideration.

As of March 02, 2026—more than three months after those complaints were filed —I have not received written acknowledgment of receipt, a status update, notice that an investigator was retained, or notice that the complaints were placed on an agenda.

I have also referenced these complaints during the public comment period at City Council meetings. The complaints have been brought to the Council's attention through every channel available to a citizen: formal written complaint, email to every member, and public comment from the podium. To date, I have received no written response through any of these channels.

C. Material Inconsistency in Response Timelines and Process

The contrast requires no interpretation:

	Tafoya (Knight)	Moring
Filed	Nov. 12, 2025	Nov. 27 & 29, 2025
Subject	One Councilmember	Five City employees
Basis	Personal conduct	Official duties: records, inspections, ethics
Council action	Investigator retained in 6 days	No action; no acknowledgment
Requestor heard	Public comment at Nov. 18 meeting	Formal filings sent; no response
Subpoena power	Issued for witnesses and records	N/A — no investigation exists
Status (March 2026)	Active; compulsory process	No acknowledgment or response

This difference in process and timing raises concerns about whether the City applies a consistent standard for complaint intake, acknowledgment, investigation, and reporting.

The employees named in my complaints are supervised by City Manager Vine and report within the administrative chain of command he controls. To avoid conflict-of-interest concerns, I request that the City Manager not serve as the arbiter of complaints against his own subordinates—particularly when the complaints implicate his own management of the functions at issue. If independence was warranted for the Tafoya (Knight) complaint, it is at least equally warranted here.

D. The Inconsistent Application Creates Additional Governance and Legal Risk

I raise this not as a threat but as a matter the Council should be aware of in exercising its governance responsibilities. The City's inconsistent handling of ethics complaints—retaining an independent investigator, issuing subpoenas, and exercising compulsory process for one complaint while providing no written response to two others—may create avoidable governance and legal risk.

First, inconsistent application undermines the City's ethics code itself. An ethics code that is applied inconsistently raises concerns about whether it functions as intended. Courts and administrative agencies evaluating municipal governance routinely consider whether complaint-handling procedures are applied consistently. When a municipality demonstrates that it treats functionally similar complaints differently based on the identity of the subject, it raises questions about the legitimacy of every enforcement action taken under that code.

Second, the disparity is relevant to pending federal proceedings. Inconsistent treatment of complaints is relevant in whistleblower retaliation proceedings. The City exercised subpoena power for a complaint about a council member's personal relationships while my complaints about City employees' conduct in their official duties—inspections, code enforcement, and records management failures that directly

intersect with the workplace safety conditions at the center of my OSHA, FSMA, and EEOC complaints—remain unaddressed. I request clarification of the policy and process that produced this difference in treatment.

Third, this correspondence is intended to provide notice to the City's governing body as the final policymaking authority regarding the complaint-intake and oversight issues described above. Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), municipal liability under 42 U.S.C. § 1983 turns on whether an official policy, decision by a final policymaker, or a persistent and widespread custom was the moving force behind a constitutional violation (not respondeat superior). Under *City of Canton v. Harris*, 489 U.S. 378 (1989), a municipality may also face liability for certain failures to train, supervise, or correct known deficiencies where policymakers are deliberately indifferent to known or obvious risks. In that context, repeated notice to policymakers followed by continued inaction can be argued as relevant evidence in evaluating whether an unconstitutional custom or deliberate indifference exists. My purpose in raising this is to request documented corrective action now: written acknowledgment, identification of the procedure and decision-maker being applied, preservation of all relevant records, and a written status/timeline for disposition of the complaints. The documentary record includes the following events, which I present for the Council's review:

On June 30, 2025, Assistant City Manager and City Secretary Candias Webster sent an email to eight City staff members (Reynolds, Ankrum, Barrett, McRae, Williams, Rodriguez, Beard, and Eubanks) directing: "**Can you please provide this information to me only? If this guy reaches out to you, please do not reply to him.**" This directive was issued in response to a lawful Texas Public Information Act request concerning roofing permits at Walmart Store #131 (**Exhibit C**).

On October 23, 2025, when City Manager Vine requested background information for a citizen meeting about Walmart-related concerns, Director of Development Services Lynn Barrett characterized my motives in personal terms and referenced a recent criminal trespass order (**Exhibit D**). **Exhibit M** reflects a text exchange in which Sgt. Beasley stated that I "openly admitted" I would sue the City. Based on my review of the available body-worn camera footage, I did not observe an admission in those terms. The exhibit also reflects that Chief Buhman responded before reviewing any evidence. Barrett also provided Vine with answers to his substantive inquiries that appear inconsistent with regulatory records. Specifically, Barrett's statements regarding asbestos, pre-inspection requirements, inspection history, and food safety complaints are inconsistent with the findings documented in DSHS Asbestos Inspection No. 56114 (**Exhibit K**) and DSHS Food Safety Inspection No. 308620 (**Exhibit L**). The full email thread is attached as **Exhibit D** for the Council's review.

On November 25, 2025, City Attorney Lea Ream emailed the Mayor and Council and confirmed that Ordinance 2025-24—a "vexatious requestor" ordinance under Tex. Gov't Code § 552.275—was being brought to the Council specifically in connection with my TPIA requests (**Exhibit E**). Ream also characterized the nature of my requests in terms that I believe are inconsistent with the documented public safety, asbestos, food safety, and permitting concerns the requests addressed.

I present these three events—a directive to withhold responses, a characterization that I believe is inconsistent with the documentary record, and a legislative action tied to a specific individual's records requests—because they involve decisions by senior City officials that the Council may wish to evaluate in the context of its oversight responsibilities.

Fourth, the City's own precedent now works against it. By establishing the standard that ethics complaints warrant independent investigation and compulsory process, the City's position that my complaints were too insubstantial to warrant even an acknowledgment appears inconsistent. The Council has set the floor. My complaints exceed it—they involve more respondents, concern official rather than personal conduct, and relate to matters already under federal regulatory investigation.

Fifth, the following statements from the February 18, 2026 meeting are included for the record:

Mayor Lyon stated: "**I stopped reading them after the second email.**" When I responded that this was concerning, he replied: "**Well, I mean, they're books, right? … I'm being honest with you.**" I include this exchange because the emails referenced contained descriptions of public safety concerns, inspection gaps, and records discrepancies that are the subject of my formal complaints. I request confirmation that these communications have been reviewed by each member of the governing body.

[Excluded-case discussion omitted from this publication copy. Original retained.]

II. BACKGROUND INFORMATION RELEVANT TO OVERSIGHT AND GOVERNANCE

A. Career Timeline: TCOLE License #1188044

Based on my review of publicly available TCOLE records as of February 2026, Mr. Vine's employment history includes the following agencies and approximate dates (**Exhibit F**):

- **Mount Pleasant Police Department:** November 24, 1997 – October 04, 2013 (approximately 16 years)
- **Gladewater Police Department:** October 21, 2013 – December 03, 2018
- **City of Dayton (Deputy City Manager/Chief of Police):** January 10, 2019 – January 03, 2022
- **City of Mount Pleasant (City Manager):** Appointed approximately August 2025

This timeline is relevant for two reasons. First, Mr. Vine is not an outside hire. He spent 16 years at the Mount Pleasant Police Department before departing in 2013 and returning in 2025 as City Manager. Second, his tenure at the City of Dayton involved documented management concerns that bear on the Council's ongoing oversight responsibilities.

B. Dayton, Texas: Prior Management Concerns

According to a report dated July 20, 2021 and attributed to then-City Manager Theo Melancon (**Exhibit G**), the City Manager documented concerns regarding scope, timeliness of leadership notification, and the structure of discipline in connection with a fatal crash complaint. I am attaching the report for the Council's review; my purpose is not to relitigate Dayton, but to explain why documented prior management concerns are relevant to oversight here.

Melancon's report addressed Vine's handling of the Alyssa Salazar case (Dayton PD Case #720144), in which a young woman was killed. The victim's mother, Amanda Morales, filed a formal complaint against Chief Vine. According to the report, the City Manager's findings included the following:

1. **Selective scope-narrowing:** According to the report, Vine limited his internal investigation to the officers' "heat of the moment" decisions at the crash scene—the most easily defensible portion of the complaint—while not investigating why the crash scene was never properly processed, why the victim's phone was seized for forensics but forensics were never completed, and why alcohol bottles remained at the crash scene for over seven months.
2. **Nominal accountability:** The report states that Vine sustained both primary allegations against his officers but structured the reprimands so that probation was measured from the date of the crash (July 2020) rather than the date of the

reprimand (December 2020), meaning the reprimands expired approximately 15 days after they were issued. No performance improvement plans were required for any officer.

3. **Communication failure:** According to the report, Vine did not notify the City Manager or City Attorney about the Salazar case for 59 days, resulting in city leadership being blindsided by media coverage.
4. **Insubordination:** The report documented Vine as "slow, nearly non-responsive" to a direct request for a breakdown of the Deputy City Manager and Chief of Police roles, completing budget work for his own priorities while not addressing the City Manager's directive.

The attached report uses unusually direct language. I quote limited excerpts below because they are relevant to oversight and process integrity; the full report is in **Exhibit G**:

> *"Chief Robert Vine limited the scope of his inquiry. He did not properly address all issues that Amanda Morales brought forward in her initial complaint. It is convenient that the scope chosen by Chief Vine was the most easily defensible portion of her complaint."*
>
> *"With such a narrow view and using immediately attainable information at the scene of the accident, it was easy to obfuscate and limit the breadth of the findings."*
>
> *"With no performance improvement plan for any officer, minimal reprimand to officers, and outright disregard to allegations made by Mrs. Morales, Chief Robert Vine failed to uphold the City's standard of integrity and nobility."*
>
> *"In this set of events, the Dayton Police Department and Chief Robert Vine did not serve the public, failed to have the humility to own up to the full extent of the failure, intentionally limited the scope of inquiry which lacks integrity, failed to hold those responsible to a higher, noble standard, and failed to produce an excellent product."*

Melancon recommended demotion from Deputy City Manager/Chief of Police to Chief of Police only, with a reduction in compensation and six months of probation.

C. Reversal of Disciplinary Action

On the same day Melancon issued his recommendation (July 20, 2021), Vine filed a complaint against Melancon. Within six days, Melancon departed and David Willard was appointed Interim City Manager. Within ten days of Melancon's findings, Willard reversed the demotion in a **brief letter that does not address each item discussed in the earlier report** of any of Melancon's documented findings. Vine was restored to full authority with no reduction in compensation.

Exhibit H reflects local news coverage (KPRC Houston, Channel 2) in which two families publicly alleged negligence by the Dayton Police Department and requested an

independent investigation. As KPRC reported, no arrests or criminal charges were ever filed in either accident.

D. The Federal Court Record

In 2023, Mr. Vine was named as a defendant in *Quiroz v. Hernandez*, a 42 U.S.C. § 1983 civil rights suit (see **Exhibit I**: Fifth Circuit No. 25-40032, affirming dismissal; underlying case E.D. Tex. No. 1:23-CV-273). I do not suggest that the existence of litigation, standing alone, establishes wrongdoing.

I note, however, that a federal civil rights suit—combined with a formal finding by his own City Manager that he "**intentionally limited the scope of inquiry which lacks integrity,**"—warrants the Council's attention.

III. OBSERVATIONS FROM MEETINGS AND DOCUMENTARY RECORD

I have now participated in two meetings with Mr. Vine—one on December 03, 2025, and one on February 18, 2026 (with Mayor Lyon and Mayor Pro Tem Hinton present). The following observations are drawn from those meetings and from the documentary record.

A. Unresolved Items and Consolidation Request

Over the course of multiple meetings and written communications, I have raised issues spanning code enforcement, food safety, fire inspections, records production, and police conduct. At the February 18, 2026 meeting, when I referenced the USB drive I had previously provided to Mr. Vine, he confirmed: "**There's 300-something documents on there as well.**" I clarified that the drive included a spreadsheet titled "Detailed Permit Analysis" with a breakdown of each item, and that I had also provided a memorandum and summary with hyperlinked exhibits explaining the importance of each. Mr. Vine's response was: "**And when we're dealing with hundreds and hundreds of documents… if you have a smoking gun… bring it in and hand it to us. It makes things so much easier.**" I responded that the information was already organized in the memorandum I had provided. The Council may wish to consider whether this response reflects an adequate review of documented concerns that had been organized, summarized, and presented with supporting exhibits. Despite this exchange, I have not received a written status report consolidating the items discussed, the assigned owner, and the timeline. Individual items have been addressed in isolation, but I have not received documentation showing how each issue raised has been tracked, assigned, or resolved.

B. Acknowledged Deficiencies Without Documented Remediation

In Dayton, Vine sustained allegations but issued reprimands that expired in approximately 15 days. In Mount Pleasant, Vine acknowledged blank inspection reports, permit fee discrepancies, fire inspection gaps, and template errors at our December 03, 2025 meeting. He committed to investigating specific issues "**by the end of next week.**" At the February 18, 2026 meeting—2.5 months later—none of those commitments were referenced as completed. Instead, new commitments replaced old ones. The December promises simply disappeared.

C. Public Statements for the Record

I note the following statements made by Mr. Vine in meetings with me, which I include for the Council's reference as it evaluates follow-through on the commitments discussed in the preceding sections:

> *"My integrity is all I have. Once it's gone, it's gone." (December 2025)*

“There’s nothing here in this city that’s worth my freedom.” (December 2025)

“We’re being very transparent. Very, very honest.” (February 2026)

I am not characterizing these statements. I am asking the Council to evaluate them alongside the written record of what actions have and have not been taken.

[Excluded-case discussion omitted from this publication copy. Original retained.]

E. Stated Commitments and Documented Communication Record

In Dayton, according to then-City Manager Melancon’s findings, Vine did not notify City leadership about a fatality case for 59 days. In Mount Pleasant, he tells me: “**Everything we do is about communication and relationships.**” Meanwhile, the City’s actual communications include unexplained $1,800+ cost estimates for records, print-to-scan methodology erasing metadata, search methodology never disclosed until I asked, and template letters bearing the wrong city name.

F. Awareness of Prior Record

At the February 18, 2026 meeting, Mayor Lyon stated: “**Rob is by the book**” and Mayor Pro Tem Hinton stated: “**We brought him in because I think he’s a good human.**” I include these statements to note that the meeting did not include discussion of the status of the December 2025 commitments or specific timelines on the documented issues I had raised.

Prior to the February 18, 2026 meeting being called to order, I personally observed Mayor Pro Tem Hinton tell Vine: “**I’m going to share it with you later.**” Vine responded: “**I’ve already seen it,**” followed by: “**I lived it.**” The City-provided audio recording (**Exhibit N**) captures the exchange beginning at Vine’s statement “I lived it.” Hinton replied: “**I know,**” and then stated: “**I had a person that I had never spoken to in my life call me yesterday and wanted me to read that.**” Vine responded: “**Yeah. No, I’ll be happy to share whatever you need to know about it.**” I cannot confirm with certainty what document was being discussed, but the context—Vine’s statement that he “lived it,” Hinton’s reference to an unsolicited contact urging him to read it, and the timing relative to the matters raised in my complaints—could be consistent with documentation relating to Vine’s Dayton history.

Later in the same meeting, as Vine was leaving, I personally observed Hinton return to what appeared to be the same subject. Hinton stated: "**I haven't read it all,**" and after Vine offered to let Hinton keep the document, Hinton said: "**I didn't know if you knew it was going around.**" Vine confirmed: "**I did.**" This portion of the exchange occurred after the City's recording had ended.

If this exchange concerned materials relating to Mr. Vine's prior Dayton tenure, it raises several questions the Council may wish to consider. First, an unidentified individual appears to have contacted the Mayor Pro Tem to share documentation about Vine's background, indicating that concern extends beyond me. Second, Vine appears to have been aware of the documentation and its circulation. I raise this not to draw conclusions about anyone's intent, but to ask whether the Council has had a formal opportunity to review and discuss this information.

G. The "Do Not Engage" Directive

On October 17, 2025—six weeks before I filed my first ethics complaint—City Manager Vine sent an email to every member of the governing body and the City Attorney directing them: "**Do not respond to this individual or engage in any back and forth.**" The directive referenced me by name and email address in connection with complaints about Walmart Store #131 (**Exhibit J**).

This directive is significant for three reasons:

1. It was issued by the City Manager to elected officials regarding a constituent raising public safety concerns. I request the Council evaluate whether this directive is consistent with the Council's obligation to remain accessible to the public it serves.
2. It may have had the practical effect of discouraging Councilmember responses to me, including on formal complaints I submitted weeks later.
3. The Council may wish to evaluate whether this directive is consistent with the City's stated commitment to transparency and public accountability.

H. MPPD Chief Buhman's Call Logs: Acknowledged but Never Produced

At the February 18, 2026 meeting, I explained to Mayor Lyon, Mayor Pro Tem Hinton, and City Manager Vine that I had requested MPPD Chief Mark Buhman's call logs for the week of the Walmart trespass incident to determine whether any Walmart-related calls were made. I explained that the Chief provided only hand-typed timestamps and refused to produce the actual call logs in native format.

Mayor Lyon immediately responded: "**That's what I was about to say. So can we, I don't, he should be able to do his call logs.**" He then confirmed his agreement: "**Oh no, yeah, no. … Yeah, I mean, I agree.**"

Mayor Pro Tem Hinton stated: "**Better tell the Chief to quit texting stuff or anybody else.**" This statement was directed at City Manager Vine.

Despite both the Mayor and Mayor Pro Tem acknowledging on the record that the Chief's refusal to produce call logs was unreasonable, and despite the Mayor directing Vine to obtain those logs, I have not received the Chief's call logs as of the date of this letter. This is the third time I am formally requesting them. The audio recording of this exchange is preserved in (**Exhibit N**).

IV. REQUESTED ACTIONS

I want to make clear that I am not asking for Mr. Vine's termination. I am asking the governing body to apply a consistent and documented standard for complaint intake, acknowledgement, investigation, and reporting under the City Charter and Code of Ordinances. Specifically, I request the following:

A. **Initiate independent investigation of my November 27 and November 29, 2025 ethics complaints.** To avoid conflict-of-interest concerns and to ensure impartiality, I request that the Council retain an independent third-party investigator (using the same mechanism approved for the Tafoya (Knight) matter) to review the conduct of Candias Webster, John Ankrum, Juan Pedro Ramirez, Lea Ann Ream, and Austin Robert Beck as described in those complaints. I am aware that Mr. Vine confirmed at the February 18, 2026 meeting that "**Mr. Ramirez is not with the City anymore.**" His separation from City employment does not moot the need to investigate his actions and reporting while he was employed. The complaints concern conduct that occurred during his tenure, and his state-issued Code Enforcement Officer-in-Training license remains active. An investigation of his conduct is warranted both for the City's records and because the regulatory agencies overseeing his licensure may need the City's findings.

B. **Place both complaints on a Council agenda.** I requested this in both November filings. More than three months have passed. The Council placed the Tafoya (Knight) complaint on an agenda within six days.

C. **Provide written acknowledgment.** I have received no acknowledgment that either complaint was received, reviewed, or acted upon.

D. **Review the October 17, 2025 "Do Not Engage" directive.** Determine whether it is appropriate for the City Manager to instruct elected officials not to communicate with a constituent raising public safety concerns, and whether this directive influenced the Council's failure to act on the subsequent ethics complaints.

E. **Review the attached Dayton records.** I have included as **Exhibit G** the Olson & Olson LLP PIA response dated November 12, 2021, along with the documents released under that request: City Manager Melancon's July 20, 2021 investigation report and demotion memorandum, and Interim City Manager Willard's July 30, 2021 reversal letter. These documents contain findings by Vine's own City Manager that he "**intentionally limited the scope of inquiry which lacks integrity.**" I request that the Council formally review and discuss these records at a posted meeting.

F. **Account for the December 2025 commitments.** At our December 03, 2025 meeting, Mr. Vine made specific commitments regarding permit fees, inspection documentation, fire inspection gaps, and template errors. He committed to follow up "**by the end of next week.**" Please direct Mr. Vine to provide a written status report on each of those commitments.

G. **Produce MPPD Chief Buhman's call logs.** At the February 18, 2026 meeting, Mayor Lyon and Mayor Pro Tem Hinton both acknowledged on the record that Chief Buhman's refusal to produce his call logs was unreasonable, and Mayor Lyon directed City Manager Vine to obtain them. I am requesting, for the third time, that the City produce Chief Buhman's call logs for the week of October 22, 2025 in native format with timestamps.

If the City contends that Chapter 34 or Chapter 36 complaints against employees are not subject to independent investigation or Council agenda placement, I respectfully request that the City identify in writing: (1) the controlling policy or procedure, (2) the official responsible for intake and disposition, and (3) the expected timeline for resolution.

Because the City Attorney's office is named in one of the complaints referenced above, I request that any legal advice to the Council regarding these complaints be provided by conflict-free counsel.

Requested timeline: I respectfully request written acknowledgment of this letter within 10 business days and a written status update on each of the above items within 20 business days.

V. RELATED PROCEEDINGS

I have raised related concerns through multiple regulatory and legal channels. These include complaints filed with the Occupational Safety and Health Administration (OSHA) under Section 11(c) of the OSH Act and the FDA Food Safety Modernization Act (FSMA), a charge filed with the Equal Employment Opportunity Commission (EEOC), and requests submitted to the Texas Department of State Health Services (DSHS) concerning asbestos and food safety inspections. I have also submitted records requests under the Texas Public Information Act and have been designated as the Employee Representative for OSHA Enforcement Inspection No. 1845692.015.

This letter does not seek to relitigate those proceedings. It is limited to requesting that the City apply a consistent process for complaint intake, acknowledgment, investigation, and disposition—and that the Council exercise its oversight responsibilities with respect to the documented concerns raised herein. The related proceedings are referenced only to provide context for the scope and seriousness of the underlying issues, and to explain why timely and documented responses from the City are important.

VI. PRESERVATION AND RECORD

Please preserve this letter, all attachments, and all communications generated in response to it. This letter and the formal ethics complaints referenced herein are public records and part of the administrative record for the regulatory proceedings identified above.

I also note for the record that Councilmember Tafoya (Knight) stated at the November 18, 2025 meeting that the ethics complaint against her represented “politically motivated efforts designed to create drama, damage reputations and generate attention.” I respect her right to defend herself. But I ask the Council to consider: if it was appropriate to retain an independent investigator to determine whether those characterizations were accurate, is it not equally appropriate to retain an independent investigator to determine whether my complaints—which concern failures in official duties affecting public health, safety, and government transparency—have merit?

The standard cannot be that complaints against elected officials receive immediate independent investigation while complaints against City employees receive no written response. If that is the standard, the public is entitled to draw its own conclusions from it.

I remain available to provide supporting documentation and to participate in any fact-finding process the Council initiates. I ask only that the process be independent, documented, and timely.

A note regarding Councilmember Tafoya (Knight): I recognize that you are the subject of the ethics investigation referenced in this letter. Nothing herein is intended to

prejudge the outcome of that investigation or to disparage you. My concern is process consistency and the equal application of the City's complaint-handling procedures. To the extent any information, documentation, or analysis I have previously submitted to the Council is relevant to any pending proceeding, it is already part of the City's records and may be considered in accordance with applicable law and procedure.

Texas Open Meetings Act acknowledgment: *I recognize that the Texas Open Meetings Act governs how the Mayor and City Council may discuss City business. By sending this letter to all of you, I am not asking you to deliberate or take action by email. I am requesting that any discussion or action on the matters raised herein occur only at a properly posted open meeting or in another manner that complies with the Act.*

Respectfully,



Kyle Douglas Moring, M.S., LPC-Associate
Former Asset Protection Investigator - Walmart Store #131
OSHA Whistleblower Complainant - Section 11(c) / FSMA
Designated Employee Representative - OSHA Enforcement Inspection No. 1845692.015
[redacted]

EXHIBIT BINDER

Supporting Documentation for:

Formal Request for Review — Selective Accountability, Cross-Jurisdictional Pattern of Conduct
by City Manager Robert G. Vine, and Disparate Treatment of Ethics Complaints

March 02, 2026

Prepared by Kyle Douglas Moring

INDEX OF EXHIBITS

Exhibit	Date	Description	Letter Section
A	November 27, 2025	Formal Ethics Complaint — Webster, Ankrum, Ramirez	Section I.B
B	November 29, 2025	Formal Ethics Complaint — Ream, Beck	Section I.B
C	June 30, 2025	Webster Staff Directive — "Do Not Reply to Him"	Sections I.D, III.G
D	October 23–31, 2025	Barrett-Vine Internal Thread — "Vendetta" Characterization and Disputed Statements	Section I.D
E	November 25–26, 2025	Webster-Ream Internal Email to Mayor & Council — Ordinance 2025-24 "Vexatious Requestor"	Section I.D
F	Accessed 2025	TCOLE License Lookup — Robert G. Vine (#1188044)	Section II.A
G	November 12, 2021	Olson & Olson LLP — PIA Response re: Vine Issues	Section II.B

Exhibit	Date	Description	Letter Section
H	November 19, 2021	KPRC Houston (Channel 2) — Rob Vine Coverage	Section II.C
I	December 31, 2025	Quiroz v. Hernandez — Federal Court Record (E.D. Tex.)	Section II.D
J	October 17, 2025	Vine "Do Not Engage" Directive to Mayor and Council	Section III.G
K	July 1, 2025	DSHS Asbestos Inspection Report No. 56114 (Key Pages)	Section I.D
L	July 28, 2025	DSHS Food Safety Inspection Report No. 308620	Section I.D
M	October 22, 2025	Chief Buhman — Sgt. Beasley Text Thread (Case 25-17553)	Section III.H
N	February 18, 2026	City-Provided Audio Recording — February 18, 2026 Meeting	Sections III.D, III.H

EXHIBIT A

Formal Ethics Complaint — Webster, Ankrum, Ramirez

November 27, 2025

Referenced in: Section I.B — My Complaints

Formal Ethics and Records Management Complaint filed under Chapter 34 and Chapter 36 of the City of Mount Pleasant Code of Ordinances against Candias Webster, John Ankrum, and Juan Pedro Ramirez.

From: Kyle Moring [redacted]
Subject: Formal Ethics & Records Management Complaint Under Chapter 34 and Chapter 36 – Webster, Ankrum, Ramirez
Date: November 27, 2025 at 6:48 PM
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, Austin Beck abeck@dtrglaw.com, Lea Ream lream@dtrglaw.com, [redacted]

Good evening,

Please accept the attached letter as my formal ethics and records management complaint under Chapter 34 (Code of Ethics) and Chapter 36 (Records and Information Management) of the City of Mount Pleasant Code of Ordinances.

The complaint concerns the conduct of Assistant City Manager/City Secretary Candias Webster, Building Official John Ankrum, and Health Inspector/Code Compliance Officer Juan Pedro Ramirez, as detailed in the attached letter.

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

I further request that this complaint be placed on the agenda for a future open meeting of the City Council for discussion and appropriate action, to the extent allowed by law and by 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 and records management complaint for your information and requesting that any discussion or action on this matter occur only at a properly posted open meeting or in another manner that complies with the Act.

Thank you for your attention to this serious matter.

2025-11-27 - 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]

EXHIBIT B

Formal Ethics Complaint — Ream, Beck

November 29, 2025

Referenced in: Section I.B — My Complaints

Formal Ethics Complaint filed under Chapter 34 against City Attorneys Lea Ann Ream and Austin Robert Beck.

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]

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]

EXHIBIT C

Webster Staff Directive — "Do Not Reply to Him"

June 30, 2025

Referenced in: Section I.D — Inconsistent Application / Section III.G — Do Not Engage Directive

Email from Assistant City Manager/City Secretary Candias Webster to eight City staff members directing: "Can you please provide this information to me only? If this guy reaches out to you, please do not reply to him." Issued in response to a lawful TPIA request.

From: **Regina Reynolds** rreynolds@mpcity.org
Subject: RE: Public Information Act Request – Roofing Permits ROOF-35226 & ROOF-33173 (Walmart #131)
Date: June 30, 2025 at 9:04 AM
To: Candias Webster cwebster@mpcity.org, John Ankrum jankrum@mpcity.org, Lynn Barrett LBarrett@mpcity.org

RR

Thank you,

Regina Reynolds

Administrative Assistant

Building, Code, Planning, & Zoning

903-575-4149

500 N Madison Ave

Starting May 1, 2025 our office hours will be as follows.

Monday – Thursday 7:30 am to 5:30 pm

Friday 8 am to 12:00 pm

From: Candias Webster <cwebster@mpcity.org>
Sent: Monday, June 30, 2025 8:05 AM
To: Regina Reynolds <rreynolds@mpcity.org>; John Ankrum <jankrum@mpcity.org>; Lynn Barrett <LBarrett@mpcity.org>; Larry McRae <LMcRae@mpcity.org>; Jennifer Williams <jwilliams@mpcity.org>; Aristeo Rodriguez <arodriguez@mpcity.org>; Danny Beard <DBeard@mpcity.org>; Brad Eubanks <BEubanks@mpcity.org>
Subject: FW: Public Information Act Request – Roofing Permits ROOF-35226 & ROOF-33173 (Walmart #131)

Good morning,

Can you please provide this information to me only? If this guy reaches out to you, please do not reply to him.

Thank you,

Candias Webster, TRMC, CMC

Assistant City Manager/ City Secretary

City of Mt. Pleasant

Office: 903-575-4154

Cell: [redacted]

Fax: 903-577-1828

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From: [redacted] <[redacted]>

From: [redacted]
Sent: Saturday, June 28, 2025 7:03 AM
To: Candias Webster <cwebster@mpcity.org>
Subject: Public Information Act Request – Roofing Permits ROOF-35226 & ROOF-33173 (Walmart #131)

CAUTION: [EXTERNAL EMAIL]

Good morning,

Pursuant to the Texas Public Information Act (Texas Government Code Chapter 552), I hereby request electronic copies of the following records for Walmart Supercenter #131, located at 2311 S. Jefferson Avenue, Mount Pleasant, TX, related to roof permits ROOF-35226 (2025) and ROOF-33173 (2024). I ask that this request be forwarded to any relevant departments, including but not limited to the Building & Development Department and Fire Marshal, as needed to obtain the records listed below:

1. **Permit Applications & Approvals**
    - Completed permit applications, valuation worksheets, fee receipts, and contractor information.
    - Permit-issue dates and any annotations regarding expedited or retroactive processing.
2. **Plan-Review Documentation**
    - Review comments, redlines, condition letters, and attachments for both permits.
    - Any asbestos survey certificates, "no-ACM" affidavits, or engineer's statements filed under Tex. Occ. Code § 1954.259.
3. **Asbestos Notifications**
    - All Texas Department of State Health Services (DSHS) 10-day NESHAP (RC-1) notifications and related correspondence with EPA/DSHS.
4. **Inspector Field Notes & Inspection Reports**
    - Inspector's notes taken at permit issuance (plan review logs, field annotations).
    - Logs, checklists, photos, and results for each required inspection stage (deck, insulation/cover, dry-in, final).
    - Any stop-work or correction orders issued.
5. **Fire-System Records**
    - Fire-alarm and sprinkler permit files or plan approvals maintained by the Fire Marshal.
    - Impairment permits, fire-watch logs, and related correspondence.
6. **Correspondence**
    - E-mail or written communications between City staff and Walmart Inc. or its contractors concerning these permits.

If any portion of this request is withheld or redacted, please cite the specific statutory exemption and include a brief explanation of the basis for that exemption.

I further request a waiver of all fees in accordance with Tex. Gov't Code § 552.007, as this request serves the public interest by shedding light on government operations and public safety matters. If the fee waiver is denied, please provide an itemized estimate before proceeding.

Please note: Under Tex. Gov't Code § 552.221, failure to comply with the Act within the statutory deadline may subject the City to administrative penalties and liability for costs, including attorney's fees.

I appreciate your prompt attention and look forward to receipt of these records within ten business days as required by law.

With gratitude,

Kyle Moring

[redacted]

On Jun 27, 2025, at 2:44\u8239 PM, [redacted] wrote:

The roof work permit (ROOF35226) for the current roof activity does not have an issue date. Was the issue date the same as the date of payment listed on the permit? Also, is it a full roof replacement (removal of current roof then rebuild) or a roof overlay?

On Jun 27, 2025, at 2:33\u8239 PM, Candias Webster <cwebster@mpcity.org> wrote:

Here is the link to the information.

<image001.png> Wal-Mart

Thank you,

Candias Webster, TRMC, CMC

Assistant City Manager/ City Secretary

City of Mt. Pleasant

Office: 903-575-4154

Cell: [redacted]

Fax: 903-577-1828

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sender immediately and delete the material from your computer.

From: Kyle Moring <[redacted]>
Sent: Friday, June 27, 2025 1:46 PM
To: Candias Webster <cwebster@mpcity.org>
Subject: Re: Public Information Request – Roofing & Construction Permits (2019–Present) – Walmart Store #131

CAUTION: [EXTERNAL EMAIL]

Payment is complete. A receipt for the transaction is not required. Thank you for your support with this matter.

With gratitude,

Kyle Moring

On Jun 27, 2025, at 1:18\u8239 PM, Candias Webster <cwebster@mpcity.org> wrote:

\u-257 ?

Please call Karina and she will take your payment and then I will email you the documents.

903-575-4000

Thank you,

Candias Webster, TRMC, CMC

Assistant City Manager/ City Secretary

City of Mt. Pleasant

Office: 903-575-4154

Cell: [redacted]

Fax: 903-577-1828

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From: [redacted] <[redacted]>
Sent: Friday, June 27, 2025 12:56 PM
To: Candias Webster <cwebster@mpcity.org>
Subject: Re: Public Information Request – Roofing & Construction Permits (2019–Present) – Walmart Store #131

CAUTION: [EXTERNAL EMAIL]

I accept the charges. Do I need to call you to provide payment again?

On Jun 27, 2025, at 12:53\u8239 PM, Candias Webster <cwebster@mpcity.org> wrote:

6/27/2025

VIA EMAIL TO: [redacted]***@icloud***

REQUESTOR NAME Kyle Moring

RE: Cost Estimate for TPIA Request to City of Mount Pleasant, Texas (Rec'd 6/25/2025)

Dear Mr./Ms. REQUESTOR LAST NAME: Moring

The City of Mount Pleasant, Texas (the "City") received a public information request from you on 6/25/2025 for 'Roofing & Construction Permits (2019–Present) – Walmart Store #131." 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 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.

Itemized Statement of Estimated Charges:

Description	**Qty x Price**	**Total**
Copies	0 x $0.10	$___.00
Personnel Time ($15/hour)	2 hours x $15.00	$30.00
Total cost		**$30.00**

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 me atpcimics@cibolotx.gov. *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.

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.

Sincerely,

Thank you,

Candias Webster, TRMC, CMC

Assistant City Manager/ City Secretary

City of Mt. Pleasant

Office: 903-575-4154

Cell: [redacted]

Fax: 903-577-1828

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From: [redacted] <[redacted]>
Sent: Wednesday, June 25, 2025 9:28 AM
To: Candias Webster <cwebster@mpcity.org>
Subject: Public Information Request – Roofing & Construction Permits (2019–Present) – Walmart Store #131
Importance: High

CAUTION: [EXTERNAL EMAIL]

Good morning,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I respectfully request copies of all records related to roofing, structural repair, construction, alteration, or contractor activity at the following address:

Walmart Store #131

2311 S. Jefferson Avenue

Mount Pleasant, TX 75455

I am specifically requesting records generated or maintained between **June 25, 2019 and the present**, including but not limited to:

1. All building and roofing permits issued for this property;
2. Any related inspection reports, field notes, or violation notices;
3. All contractor registration documents connected to permit issuance;
4. Any associated work orders, project descriptions, plan reviews, or internal correspondence concerning roof or structural construction;
5. Any revisions, denials, or resubmissions of permits for roof or structural work.

Please provide the documents in electronic format if available. If the estimated cost for

production exceeds $40, I request advance notice. Otherwise, I respectfully request a waiver or reduction of fees pursuant to Section 552.267 of the Texas Government Code, as this request is being made in connection with an active **OSHA whistleblower complaint (Case #301053630)** involving reported safety hazards at this location, including structural and environmental concerns.

The records sought may contain information relevant to worker and public safety and are therefore requested in the public interest.

As provided by Section 552.221(a) of the Texas Government Code, I understand a governmental body is required to either produce the records or certify the existence of an applicable exception within 10 business days of receipt of this request.

Thank you for your time and attention to this matter. Please do not hesitate to contact me if clarification is needed.

With gratitude,

Kyle Moring

[redacted]

permit 33173.pdf
524 KB

permit 35226.pdf
192 KB

Pages 31-32 of the original omitted from this public copy.

blank page

EXHIBIT D

Barrett-Vine Internal Thread — "Vendetta" Characterization and Disputed Statements

October 23–31, 2025

Referenced in: Section I.D — Inconsistent Application (Governance and Legal Risk)

Internal email thread in which Director of Development Services Lynn Barrett characterized Kyle Moring's motives in personal terms and provided City Manager Vine with answers that appear inconsistent with regulatory records regarding asbestos, inspections, food safety, and contractor licensing (see Exhibits K and L).

From: "Rob Vine" <rvine@mpcity.org>
To: "Lynn Barrett" <LBarrett@mpcity.org>
Date: 10/31/2025 5:40:48 PM
Subject: Re: Request for meeting
Headers:
From: "Rob Vine" <rvine@mpcity.org>
Sender: "Rob Vine" <rvine@mpcity.org>
To: "Lynn Barrett" <LBarrett@mpcity.org>
Subject: Re: Request for meeting
Date: Fri, 31 Oct 2025 17:40:48 -0600
MIME-Version: 1.0
Content-Type: multipart/related; type="multipart/alternative";
boundary="Mark=_426703213351332"

Thank you!

Get Outlook for iOS

From: Lynn Barrett <LBarrett@mpcity.org>
Sent: Friday, October 31, 2025 12:22:38 PM
To: Rob Vine <rvine@mpcity.org>
Subject: RE: Request for meeting

Rob,
See answers below in red for your upcoming meeting with Dave Ruff.

Permits concerning Walmart

18000 sq foot of roof removal Walmart Permit issued, waiting for reinspection, 1 leak still to check, has to rain first
Possible and ACTUAL Asbestos falling on food - Walmart and found in roof replacement No asbestos was falling
Lack of asbestos preinspection Not industry standard for reroof
Disturbing Inspections results dating back to 2018 No information
Contractor licensing on work at Walmart All permits properly issued
Multiple failed inspections in regards to food safety at Walmart. Not to our knowledge

Thank you,

Lynn Barrett, AICP
Director of Development Services
Revised Hours: 7:30-5:30 M – Th; 8-noon Fridays
Phone: 903-575-4149
City of Mount Pleasant
501 N. Madison Ave.
Mount Pleasant, TX 75455

From: Rob Vine <rvine@mpcity.org>
Sent: Thursday, October 23, 2025 9:28 AM
To: Lynn Barrett <LBarrett@mpcity.org>; John Ankrum <jankrum@mpcity.org>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: RE: Request for meeting

Lynn,

Candias has kept me in the loop regarding the Mr. Moring and his history with Walmart.

Regarding David, I am aware of who he is and what he does, but all things being considered, if a citizen wishes to come in and talk with me about a concern, I will make time for them to do so. My intention is not to share information so much as to listen, but I do not like going into a meeting blind if I can educate myself prior to the meeting.

Thank you in advance for helping me with this.

Robert G. Vine, CPM

City Manager
City of Mount Pleasant
501 N. Madison
Mt. Pleasant, TX 75455
Office: 903-575-4000

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From: Lynn Barrett <LBarrett@mpcity.org>
Sent: Thursday, October 23, 2025 9:08 AM
To: Rob Vine <rvine@mpcity.org>; John Ankrum <jankrum@mpcity.org>
Cc: Candias Webster <cwebster@mpcity.org>
Subject: RE: Request for meeting

Rob,
Roping in Candias in case you hadn't done so. This has been the result of complaints from Kyle Moring who is on a vendetta against Walmart for terminating him and has filed literally dozens and dozens of public records requests with us on every single thing and with various state agencies for

several months with all being aware of his vendetta, and was prevented with a Criminal Trespass order from going on their property yesterday. David Ruff is a social media complainant county resident who does not have any standing to discuss this matter officially ould be my educated guess. Lea has been involved as well.

Thank you,

Lynn Barrett, AICP
Director of Development Services
Revised Hours: 7:30-5:30 M – Th; 8-noon Fridays
Phone: 903-575-4149
City of Mount Pleasant
501 N. Madison Ave.
Mount Pleasant, TX 75455

From: Rob Vine <rvine@mpcity.org>
Sent: Thursday, October 23, 2025 9:03 AM
To: Lynn Barrett <LBarrett@mpcity.org>; John Ankrum <jankrum@mpcity.org>
Subject: FW: Request for meeting

Lynn and John,

Good morning.

Please see the highlighted portion of the email below and provide what information you can about these items. I will meet with David sometime the week of Nov. 3-7, so anytime next week will be fine to have it ready to share. I would like to have a short meeting with the staff member that is the most knowledgeable about this prior to my meeting with him as well.

Thank you.

Robert G. Vine, CPM

City Manager
City of Mount Pleasant
501 N. Madison
Mt. Pleasant, TX 75455
Office: 903-575-4000

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From: David Ruff <[redacted]>
Sent: Thursday, October 23, 2025 8:26 AM
To: Rob Vine <rvine@mpcity.org>
Cc: [redacted]; Carl Hinton <CHinton@mpcity.org>; Wesley Lyon <wlyon@mpcity.org>
Subject: Request for meeting

CAUTION: [EXTERNAL EMAIL]

Good morning Mr Vine,

My name is David Ruff, I am a resident of Titus county and have some information I'd like to sit and talk about. This includes:

Permits concerning Walmart
18000 sq foot of roof removal Walmart
Possible and ACTUAL Asbestos falling on food - Walmart and found in roof replacement
Lack of asbestos preinspection
Disturbing Inspections results dating back to 2018
Contractor licensing on work at Walmart
Multiple failed inspections in regards to food safety at Walmart.

I will be home after the 30th of this month and believe we should sit, discuss these issues as I am shocked at what has been uncovered.

David Ruff

On Wednesday, October 22, 2025 at 07:54:07 PM EDT, Wesley Lyon <wlyon@mpcity.org> wrote:

Hi Dave,

I appreciate you reaching out and I'm glad you want to talk about the Walmart roof situation. I'd prefer you reach out to Rob Vine first since he's much more plugged into the day-to-day operations. You can reach him at rvine@mpcity.org or (903) 575-4000 . He isn't on social media, so email or a phone call will be the best way to reach him.

If he's not responsive, or if you hear something you believe the elected officials should be aware of, please don't hesitate to reach out to me directly.

Regarding the meeting, our normal IT guy was out last night, which is why things looked a little different. It does happen from time to time.

I truly believe we now have people in place who operate with integrity, and that's the mindset we need to keep moving forward. If something seems off, it's not going to be nefarious—it's either being handled already or simply an oversight. Open communication is the best way to clear things up before anyone is led down a path that may not reflect the full

truth.

Councilman Hinton mentioned he was planning to meet with you next, but we both leave for the TML Conference on Wednesday. Whenever it happens, I'd enjoy talking with you again and catching up. I appreciate everything you've done for the city and hope you'll continue to be one of our champions and watchdogs. I think it's time for all of us to shift gears a bit—trust, but verify.

I copied Kim so she has the info too and Rob, to give him a heads up. Looking forward to our talk.

Wesley R. Lyon II
Mayor, City of Mt. Pleasant, Texas
Ex Officio, Mt. Pleasant Economic Development Corporation
Board Member, Ark-Tex Council of Governments (ATCOG)

📍 City Hall | 501 N. Madison Ave | Mt. Pleasant, TX 75455
📞 (903) 717-0277 | 📠 Fax: (903) 577-1828
✉️\u-497 ? wlyon@mpcity.org
🌐 www.mtpleasanttx.gov

Serving with transparency, accountability, and dedication to our community.

EXHIBIT E

Webster-Ream Internal Email to Mayor & Council — Ordinance 2025-24 "Vexatious Requestor"

November 25–26, 2025

Referenced in: Section I.D — Inconsistent Application (Governance and Legal Risk)

Email from City Attorney Lea Ream to Mayor and Council confirming Ordinance 2025-24 was brought specifically because of Kyle Moring's TPIA requests. Ream stated: "Mr. Moring's numerous requests have led to this recommendation."

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: 11/26/2025 4:42:58 PM

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

Attachments: DOCS1-#354983-v2-TPIA_Ordinance_(Mt__Pleasant).DOCX

Headers:

```
From: "Candias Webster" <cwebster@mpcity.org>
Sender: "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>
Subject: =??Q?RE:_Ordinance_2025-24:_Significant_Whistleb?=
=??Q?lower=2C_TPIA=2C_and_Public-Safety_Implications?=
Date: Wed, 26 Nov 2025 16:42:58 -0600
MIME-Version: 1.0
Content-Type: multipart/mixed; boundary="Mark=_420531210265646"
Received: from MW5PR16MB4812.namprd16.prod.outlook.com
(2603:10b6:303:19a::5) by BLAPR16MB3811.namprd16.prod.o
utlook.com with HTTPS; Wed, 26 Nov 2025 22:43:01 +0000
Authentication-Results: dkim=none (message not signed) hea
der.d=none;dmarc=none action=none header.from=mpcity.org;
Received: from CYYPR16MB5534.namprd16.prod.outlook.com (2603:10b6:930:c
7::19) by MW5PR16MB4812.namprd16.prod.outlook.com (2603:10b6:303:19a::5
) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH
_AES_256_GCM_SHA384) id 15.20.9366.12; Wed, 26 Nov 2025 22:42:59 +0000
Received: from CYYPR16MB5534.namprd16.prod.outlook.com ([fe80::1816:c263:
fee1:44a0]) by CYYPR16MB5534.namprd16.prod.outlook.com ([fe80::1816:c263:
fee1:44a0%4]) with mapi id 15.20.9366.009; Wed, 26 Nov 2025 22:42:58 +000
0
Thread-Topic: Ordinance 2025-24: Significant Whi
stleblower, TPIA, and Public-Safety Implications
Thread-Index: AQHcXnaAeW1QTYgAWUCJ/YkBviinwrUEPkOAgAFPxRA=
In-Reply-To: <BY1PR22MB403823A57D1A8ACBB9FD5326
BDDEA@BY1PR22MB4038.namprd22.prod.outlook.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-Exchange-Organization-SCL: 1
X-MS-TNEF-Correlator: <CYYPR16MB5534B93880EB5A60635
41780B7DEA@CYYPR16MB5534.namprd16.prod.outlook.com>
X-MS-Exchange-Organization-MessageDirectionality: Originating
X-MS-Exchange-Organization-AuthSource:
CYYPR16MB5534.namprd16.prod.outlook.com
X-MS-Exchange-Organization-AuthAs: Internal
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Return-Path: cwebster@mpcity.org
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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.

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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

From: Kyle Moring <[redacted]>
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
Cc: Candias Webster <cwebster@mpcity.org>; Rob Vine <rvine@mpcity.org>; Austin Beck <abeck@dtrglaw.com>; Lea Ream <LReam@dtrglaw.com>; [redacted]
Subject: Ordinance 2025-24: Significant Whistleblower, TPIA, and Public-Safety Implications

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\u8209 -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\u8209 -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\u8209 -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\u8209 -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\u8209 -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\u8209 -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\u8209 -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\u8209 -24, " I was informed that the City had "no responsive records," even though an Agenda Item Report describing Ordinance 2025\u8209 -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\u8209 -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\u8209 -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\u8209 -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\u8209 -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,

EXHIBIT F

TCOLE License Lookup — Robert G. Vine (#1188044)

Accessed 2025

Referenced in: Section II.A — Career Timeline

Texas Commission on Law Enforcement license record confirming Robert G. Vine's career timeline across Mount Pleasant PD, Gladewater PD, City of Dayton, and City of Mount Pleasant.

« Go back

Licensee Service Report (LSR)
ROBERT Q VINE

Id: 1138xxx | Gender: M | Race: White

Licenses

Peace Officer License	Active
Date	
Complaint introductory period - Chief of Police	1/30/2015
Granted	11/24/1987

Certificates/Awards

Investigative Hypnosis	Active
Date	
Certification Issued	1/9/2012

Basic Instructor Proficiency	Active
Date	
Certification Issued	4/27/2007

Master Peace Officer	Active
Date	
Certification Issued	10/4/2006

Advanced Peace Officer	Active
Date	
Certification Issued	12/3/2002

Intermediate Peace Officer	Active
Date	
Certification Issued	11/9/2000

Basic Peace Officer	Active
Date	
Certification Issued	1/27/1998

Services

DAYTON POLICE DEPT	1/19/2015 - 1/3/2022
License: Peace Officer License Agency: DAYTON POLICE DEPT Appointment: Chief of Police Service length: 2 Years From: 1/19/2015 To: 1/3/2022	

GLADEWATER POLICE DEPT	10/31/2014 - 12/3/2014
License: Peace Officer License Agency: GLADEWATER POLICE DEPT Appointment: Police Officer Service length: 11 Days From: 11/24/1987 To: 12/4/2013	

MOUNT PLEASANT POLICE DEPT	11/24/1987 - 12/3/2013
License: Peace Officer License Agency: MOUNT PLEASANT POLICE DEPT Appointment: Police Officer Service length: 11 Years From: 11/24/1987 To: 12/4/2013	

Training and Career Hours

Education Credit	2007
Course Hours	1,332
Total Hours	2,032

Education	Total Credits: 2020
Institution	**Level**
	Bachelor
	College Credits

Started	Completed	Hours
		120
		0

Education Credits: 120
Modified: 21
Total Credit Hours: 2020

Courses	Total Hours: 2032
	Less Than

#	Title	Date	Hours	Institution
5312	ALERRT Update	8/16/2002	2	Texarkana Police Department
5364	ALERRT CRASE online	9/9/2013	8	ALERRT Center
5366	ALERRT Hot As A Weapon	7/26/2009	4	ALERRT Center
66721	TEEX Active Attack Event Prep	7/9/2008	4	ALERRT Center
5365	ALERRT Active Attack Incident Mgmt Activity	6/26/2005	4	ALERRT Center
78502	TEEX Active Attack Emer Communications	6/11/2005	3	ALERRT Center
4152	Finding Wellness-Building a Healthier Life	9/5/2005	4	MyTCOLE 3 online
4478	Trauma Informed / Sexual Assault Investigations	5/27/2005	16	OSS Academy
3188	48th Session State and Federal Law Update	11/15/2005	3	MyTCOLE 3 online
13999	Court Security Officer Certification	7/31/2003	8	MyTCOLE 3 online
5106	Racial Profiling and Interoperability Training	7/31/2003	8	MyTCOLE 3 online
5368	Law Enforcement and the Elderly	7/26/2003	4	MyTCOLE 3 online
469	The Telecommunicator and Stress	7/26/2003	4	MyTCOLE 3 online
5311	Advanced Human Trafficking	7/14/2003	8	MyTCOLE 3 online
472	Informed Response - Sexual Assault/Violence	6/2/2003	8	MyTCOLE 3 online
5365	Ethics for Law Enforcement Distance	6/2/2003	4	MyTCOLE 3 online
3187	47th Session State and Federal Law Update	5/30/2003	4	MyTCOLE 3 online
3003	Hypnosis - An Others	8/26/2001	5	East Texas Police Academy
3106	Conference - Other	4/19/2000	16	Texas Police Chiefs Association Foundation
13900	Personnel Orientation by Dept. Basic Proficiency	1/10/2000	8	DAYTON POLICE DEPT. (Training Finished)
13910	Sexual Harassment Recognition	1/9/2010	1	Praetorian Group - Police One
77317	OSS - Racial & Bias Profiling	9/11/2000	8	OSS Academy
77304	OSS - Self-Aid & Buddy (SABA) Basic	9/3/2008	2	OSS Academy
77305	OSS - Mass Media and the Police	2/4/2005	1	OSS Academy
5418	Civilian Interview Training	12/13/2018	2	OSS Academy
3188	86th Legislative Session Legal Update	11/13/2019	3	Liberty County Sheriff's Office
3002	Hypnosis - 64 Others	8/26/2016	5	East Texas Police Academy
3106	Conference - Other	4/19/2016	16	Texas Police Chiefs Association Foundation
13900	Personnel Orientation by Dept. Basic Proficiency	1/10/2016	8	DAYTON POLICE DEPT. (Training Finished)
13910	Sexual Harassment Recognition	1/9/2016	1	Praetorian Group - Police One
37537	OSS - Racial & Bias Profiling	9/11/2000	8	OSS Academy
77304	OSS - Self-Aid & Buddy (SABA) Basic	9/3/2008	2	OSS Academy
77305	OSS - Mass Media and the Police	2/4/2005	1	OSS Academy
5418	Civilian Interview Training	12/13/2018	2	OSS Academy
3188	86th Legislative Session Legal Update	11/13/2019	3	Liberty County Sheriff's Office
3002	Hypnosis - 64 Others	8/26/2016	5	East Texas Police Academy
3106	Conference - Other	4/19/2016	16	Texas Police Chiefs Association Foundation
13900	Personnel Orientation by Dept. Basic Proficiency	1/10/2016	8	DAYTON POLICE DEPT. (Training Finished)
13910	Sexual Harassment Recognition	1/9/2016	1	Praetorian Group - Police One
3740	Child's Continuing Education	2/2/2016	40	Bill Blackwood LEM of Texas
3204	Firearms Instructor - Simulator	11/14/2017	8	GLADEWATER POLICE DEPT. (Training Finished)
3188	85th Legislative Session Legal Update	8/9/2017	3	East Texas Police Academy
7801	Race & Safety Management	8/8/2017	7	Texas Municipal League Intergovernmental Risk Pool
3002	Hypnosis - 64 Others	6/8/2017	2	East Texas Police Academy
3106	Conference - Other	4/13/2017	16	Texas Police Chiefs Association Foundation
5614	Traffic Management	6/2/2016	4	GLADEWATER POLICE DEPT. (Training Finished)
3309	Supervision Letter line TCOLE 3151, 3151, 3171	6/20/2016	24	Texas Municipal League Intergovernmental Risk Pool
3740	Child's Continuing Education	10/6/2010	40	Bill Blackwood LEM of Texas
3002	Hypnosis - 64 Others	7/26/2010	8	East Texas Police Academy
3740	Child's Continuing Education	1/30/2015	40	Bill Blackwood LEM of Texas
5512	Fire and Life Safety	7/10/2014	4	TEEX Central Texas Police Academy
6302	TCOLE Regional Training	5/1/2014	5	Texas Commission on Law Enforcement
3106	New Child's Course	3/7/2014	40	Bill Blackwood LEM of Texas
3188	83rd Legislative Session Legal Update	2/20/2014	3	East Texas Police Academy
3404	Traffic Stops	9/4/2013	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3740	Staff Training	8/21/2013	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3106	32Hr Module 3	8/16/2013	136	Bill Blackwood LEM of Texas
3707	Skill Based Paper	8/16/2013	40	Bill Blackwood LEM of Texas
3706	Staff Training	7/22/2013	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3740	Patrol Procedures	7/16/2013	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3900	Environmental Law Enforcement	6/27/2013	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3409	Crash Reporting & Analysis Course	6/25/2013	4	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3740	Patrol Procedures	4/26/2013	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3102	Effective Common, in Crisis or Conflict Situations	4/2/2013	8	Texas Municipal League Intergovernmental Risk Pool
5200	Investigations	1/28/2013	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3909	Agency Operations (General)	1/9/2013	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3909	Agency Operations (General)	9/13/2012	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3740	Patrol Procedures	8/22/2012	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3903	Advisory Board Training	8/15/2012	1	Northeast Texas Community College
3904	Computer Operations	8/1/2012	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3706	GMI Module 2	7/27/2012	122	Bill Blackwood LEM of Texas
3909	Cultural Diversity	7/27/2012	8	Bill Blackwood LEM of Texas
3740	Patrol Procedures	6/8/2012	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3705	Firearms	5/16/2012	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3747	FBI-LEEDA Executive Survival	4/5/2012	28	Longview Police Academy
3708	Management/Supervision	3/22/2012	8	Texas Municipal League Intergovernmental Risk Pool
3103	Civil Law	3/15/2012	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3204	Narcotics/Dangerous Drug Inv.	2/15/2012	2	MOUNT PLEASANT POLICE DEPT. (Training Finished)
1505	Basic Investigative Hypnosis	11/11/2011	32	East Texas Police Academy
3746	FBI-LEEDA Supervision in Law Enforcement	10/28/2011	28	Longview Police Academy
3188	82nd Legislative Session Legal Update	10/21/2011	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
66741	FEMA NIMS Multi Countr SubNIICS (FEMA IS-701a)	9/11/2011	5	MOUNT PLEASANT POLICE DEPT. (Training Finished)
66742	FEMA NIMS Public Info System (FEMA IS-702a)	9/8/2011	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3704	GMI Module 1	8/24/2011	100	Bill Blackwood LEM of Texas
3910	Sexual Harassment Recognition	3/30/2011	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3746	FBI-LEEDA Command Institute	3/18/2011	40	Longview Police Academy
3400	Defensive Tactics	9/1/2010	4	MOUNT PLEASANT POLICE DEPT. (Training Finished)
5703	GMI Management Skills Seminar (Overview)	4/9/2010	16	Bill Blackwood LEM of Texas
5301	ALERRT Level 1	3/18/2010	16	TEEX Central Texas Police Academy
3188	LAW	2/17/2010	3	Texas Municipal League Intergovernmental Risk Pool
3188	LAW	2/17/2010	3	Texas Municipal League Intergovernmental Risk Pool
3188	LAW	2/17/2010	3	Texas Municipal League Intergovernmental Risk Pool
3181	81st Legislative Session Legal Update	1/28/2010	4	Wood County Sheriff's Office
3205	Overview of Drugs (DE)	8/26/2009	8	TCOLE Online
3206	The Crime Victim (DE)	8/21/2009	8	TCOLE Online
3401	Basic Crime Investigation DE	4/30/2009	8	TCOLE Online
3909	Cultural Diversity	4/17/2009	8	Northeast Texas Community College
3708	Management/Supervision	2/10/2009	2	Texas Municipal League Intergovernmental Risk Pool
3910	Sexual Harassment Recognition	9/15/2008	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3901	Background Investigations - general	9/5/2008	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3400	Traffic	8/6/2008	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3705	Firearms	7/12/2008	1	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3344	Law Leftwich Electronic Control Device Training	2/22/2008	8	Northeast Texas Community College
3344	Law Leftwich Electronic Control Device Training	2/22/2008	8	Northeast Texas Community College
3188	Law Update	10/16/2007	2	East Texas Police Academy
3706	Command Level Leadership Series (LEMIT Course)	8/31/2007	40	Bill Blackwood LEM of Texas
3310	Special Investigative Topics	4/12/2007	8	Northeast Texas Community College
3941	Crisis Intervention Training	3/30/2007	16	Northeast Texas Community College
66620	FEMA ICSBegins Rechrtcal Actn Nat'l(FEMA IS-200a)	9/26/2006	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
66743	FEMA Intro ICS	9/26/2006	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
66744	FEMA Natl Response Management (FEMA IS-703a)	9/26/2006	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
66745	FEMA National ICS (FEMA IS-700a)	9/26/2006	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
66622	FEMA Multiagency Plan Intro (FEMA IS-800a)	9/26/2006	3	MOUNT PLEASANT POLICE DEPT. (Training Finished)
3202	Basic Hostage Negotiation Course	8/16/2006	40	Northeast Texas Community College
3205	Investigations	4/7/2006	8	East Texas Police Academy
3407	Report Writing for Interactive Corrections (LERC)	12/22/2005	8	Law Enforcement Resource Center
3188	LAW	10/6/2005	4	OTHER TRAINING
3909	Technical/Specialized	11/18/2005	8	Texas Department of Public Safety LEA
3206	Investigations	8/30/2005	8	Collin College Law Enforcement Academy
1914	Basic Instructor Course	8/12/2005	40	Northeast Texas Community College
3204	Special Investigator Certification Course	7/20/2005	24	Texas Municipal Police Association
3909	Technical/Specialized	7/7/2005	3	Texas Department of Public Safety LEA
3202	Special Investigative Topics	5/5/2005	8	Northeast Texas Community College
3626	Crisis Intervention	4/7/2005	8	Northeast Texas Community College
3706	Management/Supervision	11/15/2004	20	Institute for Law Enforcement Administration
3188	LAW	9/29/2004	4	Texas Police Department
3877	Identity Theft	8/26/2004	3	OTHER TRAINING
3909	Technical/Specialized	8/12/2004	2	Northeast Texas Community College
3206	Investigations	8/10/2004	8	Collin College Law Enforcement Academy
3201	Sexual Assault	8/10/2004	8	Northeast Texas Community College
3201	Sexual Assault	8/10/2004	8	Capital Area Council of Governments
3201	Sexual Assault	8/9/2004	8	Northeast Texas Community College
3901	Recognition of Child Abuse or Neglect	3/16/2004	8	Northeast Texas Community College
3902	Technical/Specialized	11/21/2003	8	Texas Department of Public Safety LEA
3188	LAW	10/16/2003	2	East Texas Police Academy
3309	Investigations	10/13/2003	24	Grand Prairie Police Academy
3877	TCOLE/NCIC/I-law Train Full Access Operators	9/3/2003	8	Texas Department of Public Safety LEA
3206	Investigations	8/21/2003	8	OTHER TRAINING
3901	Recognition of Child Abuse or Neglect	3/7/2003	16	Northeast Texas Community College
3180	Patrol/Tactical	2/13/2003	2	OTHER TRAINING
3309	Investigations	11/4/2002	16	Dallas Police Academy
3309	Investigations	10/24/2002	24	Wharton Co. Junior College LEA
3207	Combined Asset Forfeiture and Racial Profiling	8/17/2002	8	Northeast Texas Community College
3902	Technical/Specialized	8/8/2002	8	North Central Texas Council of Governments/Law Enforcement Training
3201	Sexual Assault	7/8/2002	3	Texas Attorney General's Office
3902	Technical/Specialized	5/9/2002	40	Texas Department of Public Safety LEA
3909	Technical/Specialized	4/24/2002	24	East Texas Police Academy
3309	Investigations	2/22/2002	40	Bexar Co. Sheriff's Academy
3202	Investigations	1/9/2002	24	Arlington Police Academy
3204	Sexual Assault Wkn with Exercises	7/16/2001	8	TOLOSOBOT DEFENSIVE EDUCATION
6707	New Supervisor's Course	4/25/2001	20	Collin College Law Enforcement Academy
3204	Child Abuse (POSIT)	3/21/2001	4	TOLOSOBOT DEFENSIVE EDUCATION
3204	Sex Offender Characteristics Web with Exercises	3/21/2001	4	TOLOSOBOT DEFENSIVE EDUCATION
3204	Cultural Diversity Web with Exercises	11/8/2000	8	TOLOSOBOT DEFENSIVE EDUCATION
3214	Family Violence Web w/ Exercises	9/14/2000	8	TOLOSOBOT DEFENSIVE EDUCATION
3204	Sexual Assault Wkn and Investigation (Interns)	7/12/2000	8	TOLOSOBOT DEFENSIVE EDUCATION
3180	Spanish for Law Enforcement (Intermediate)	5/31/2000	16	Collin College Law Enforcement Academy
3180	Crime Scene Investigation (Intermediate)	4/18/2000	24	Northeast Texas Community College
3611	Juvenile Law/Child Procedures Course w/o Exercises	4/12/2000	4	TOLOSOBOT DEFENSIVE EDUCATION
21497	Use of Force(Intro)	4/12/2000	16	TOLOSOBOT DEFENSIVE EDUCATION
3702	Field Training Officer	12/3/1999	40	Northeast Texas Community College
3909	Technical/Specialized	9/25/1999	12	Collin College Law Enforcement Academy
3309	Investigations	8/25/1999	8	Collin College Law Enforcement Academy
3204	Sexual Assault Web with Exercises	7/1/1999	8	TOLOSOBOT DEFENSIVE EDUCATION
3204	Cultural Diversity Web with Exercises	5/31/1999	8	TOLOSOBOT DEFENSIVE EDUCATION
3214	Family Violence Web w/ Exercises	4/30/1999	8	TOLOSOBOT DEFENSIVE EDUCATION
3204	Sex Offender Characteristics Web with Exercises	4/30/1999	4	TOLOSOBOT DEFENSIVE EDUCATION
3204	Child Abuse (POSIT)	4/28/1998	4	TOLOSOBOT DEFENSIVE EDUCATION
1998	Personnel Orientation by Dept. Basic Proficiency	11/3/1998	8	OTHER TRAINING
3106	Arrest, Search, and Seizure Considerations	10/15/1998	24	Northeast Texas Community College
3909	TOCNCIC (Intl 3907 or 3902)	8/31/1998	4	Texas Department of Public Safety LEA
3180	LAW	4/17/1998	4	East Texas Police Academy
3180	LAW	11/18/1997	10	East Texas Police Academy
1505	Basic Peace Officer	10/24/1997	360	East Texas Police Academy
3180	Traffic	9/22/1997	8	East Texas Police Academy
3907	S.F.S.T. Practitioner	8/8/1997	24	TEEX Central Texas Police Academy
3309	Investigations	2/27/1996	10	East Texas Police Academy
3309	Investigations	1/29/1996	10	East Texas Police Academy

EXHIBIT G

Olson & Olson LLP — PIA Response re: Vine Issues

November 12, 2021

Referenced in: Section II.B–C — Dayton Investigation and Reversal

Public Information Act response from Olson & Olson LLP (Dayton's outside counsel) regarding documented issues with Chief Robert Vine, including the Melancon investigation findings.

OLSON & OLSON LLP
ATTORNEYS AT LAW

November 12, 2021
Sent via Certified Mail, Return Receipt Requested

Ms. Ashley Estes
Dolcefino Consulting
1951 Richmond Ave
Houston, TX 77098

RE: *October 25, 2021 Public Information Act Requests to the City of Dayton, Texas*

Dear Ms. Estes:

This letter is in response to the two (2) public information requests you submitted to the City of Dayton, Texas (the "City") on October 25, 2021.

Enclosed, please find the former City Manager's report regarding the complaint made by Amanda Morales related Dayton Police Department ("Dayton PD") Case #720144. The City is also releasing the current interim City Manager's report related to Dayton PD Case #720144. The City does not have any e-mail communications between the former City Manager, Theo Melancon, and the Mayor or any members of City Council related to these reports.

The City is also providing you with the body camera footage for Dayton PD case #720144. This information is contained on the enclosed flash drive.

If you have any questions or need additional information, please feel free to contact our office at (936) 336-4115.

Sincerely,

Daniel Sylvia
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DAYTON TEXAS

City of Dayton
117 Cook St.
Dayton, Tx 77535
936.258.2642

TO: Robert Vine, Chief of Police

FROM: Theo Melancon, City Manager

DATE: July 20, 2021

RE: Amanda Morales Complaint Investigation

The City of Dayton Received Amanda Morales' complaint against Deputy City Manager/Police Chief Robert Vine. City Manager received the complaint and began the investigation with a review of Mrs. Morales' original complaint, the case file, review of Chief Vine's findings regarding the conduct of the on-scene officers' crime scene investigation, and interviewing key people as outlined in Mrs. Morales' new complaint.

Impartiality Disclosure: City Manager remains an impartial arbiter of this complaint. When Chief Vine submitted a draft of his investigation findings dated November 24, 2020, he asked for the City Manager and City Attorney to look it over. We both looked at it in regard to form.

The City Manager did not read the original complaint of the report. This was to maintain impartiality and ensure that in the event of a complaint being filed against Chief Vine regarding his report, it would be a review of first impression for the City Manager.

Issues:

Failure to Use Professional Training/Properly Investigate/Reconstruct Accident/Collect Evidence - Pg. 3

Mrs. Morales states that Chief Vine refused to order a reconstruction of the accident. She also asserts that officers failed to properly investigate and collect evidence in

regard to this case. Mrs. Morales states that it is in the City's standard of procedures to conduct an accident reconstruction.

Police Officers Treated Her and Family Members Unprofessionally and Callously - Pg. 7

In Mrs. Morales Complaint, she specifically highlights behavior by Sgt. Tyler Head and Detective Lt. Terry Hughes as being callous in discussions with Mrs. Morales.

Failure to Properly Reprimand Officers in the Aftermath of the Accident/Chief Vine Produced a False Report - Pg. 4 & 11

Mrs. Morales states that Chief Vine produced a false report and failed to properly reprimand officers involved in the accident investigation and aftermath.

Legal Authorities:

City Manager's Authority

The City of Dayton's City Manager's authority is stated in 4.01(d) of the City Charter:

> Duties of the City Manager: Except as otherwise provided by this charter, to employ, appoint and remove officers and employees of the City. The City Council and its members shall deal with the administrative services of the City for which the City Manager is responsible solely through the City Manager, and only the City Manager shall give orders to any subordinate of the City Manager, whether publicly or privately.

This authority is further elaborated in Chapters 11-13 involving discipline, grievance procedures, and dispensation of punishment. Chapter 11, Section 3 provides a succinct definition of authority granted the City Manager:

> The City Manager, or his designee, may take disciplinary action against an employee for a specified reason or reasons. The reason(s) shall be related to the employee's conduct and/or work performance, or lack thereof.

In review of Mrs. Morales' complaint against Chief of Police Robert Vine, I find the following rules to administer:

Chapter 11, Section 3(i):

> Violation of a regulation, or order, made or given by an employee's Department Head and/or supervisor

Chapter 11, Section 3(j):

> Commission of acts or omissions unbecoming an employee of The City

Chapter 11, Section 3(s):

> Willfully misrepresentation of any facts in any reports or statement regarding duties and responsibilities of to falsify any official document or record

Chapter 11, Section 3(w):

> Disregard of the The City's rules or policies; or disregard of the standards of behavior

City Manager's authority to administer discipline is outlined in Chapter 13. Chapter 13 Section 2 states:

> An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of the City's rules of conduct and personnel policies. The City reserves the right to discharge or demote any employee with or without cause and with or without prior notice.

Discipline may be meted out due to a multitude of factors. Chapter 13 Section 2(A) states [abbreviated to conduct in question]:

> Employees may be disciplined for poor job performance, including but not limited to the following:
> (1) Unsatisfactory work quality or quantity
> (3) Failure to follow instructions or City procedures

Chapter 13, Section 2(B) states [abbreviated to conduct in question]:

Employees may be disciplined for misconduct, including but not limited to the following:

> (2) Dishonesty
> (4) Discourtesy, rudeness, or unprofessional behavior toward a customer, or member of the public

Furthermore, Chapter 13 provides two more provisions applicable to this inquiry. Chapter 13 Section 2(D) states:

The City reserves the right to proceed directly to a written warning, demotion, or termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when the City deems action appropriate.

Chapter 13, Section 4 states:

> Nothing in this guideline is intended to alter the at-will status of employment with the City. Either you or the City may terminate the employment relationship at any time with or without cause and with or without prior notice. The City reserves the right to terminate any employment relationship, to demote, or otherwise discipline an employee without resort to the above disciplinary procedures.

Analysis:

Failure to Use Professional Training/Properly Investigate/Reconstruct Accident/Collect Evidence - Pg. 2-6

Chief Vine provided a thorough reconstruction of events surrounding the crime scene as he was reviewing the conduct of officers during the investigation. In his investigation, he sustained both allegations. Those findings were that "Dayton Police Officers failed to conduct Field Sobriety Tests to determine the level of intoxication of the driver of the vehicle, Bernice Montano..." and "Dayton Police Officers failed to collect items at the scene of the crash, specifically, bottles of alcoholic beverages and a plastic bag of marijuana."

Chief Vine had received this complaint on September 4, 2020. He conducted the investigation over a two month period and submitted his findings on November 24, 2020. Chief Vine's breakdown of the failures are detailed in his report. Chief Vine specifically states the following:

> Due to the fact that this was a one vehicle, fatality crash, the time of the crash, along with the knowledge that the driver had picked up the passenger from a bar, the totality of the information gathered by the officers regarding the circumstances should have dicated the officers on the scene conduct the Standardized Field Sobriety Tests on Montano.

Chief Vine addresses the evidence collection as follows:

> As part of a criminal investigation, it would be reasonable to expect these items to be collected as potential evidence and equally reasonable to be mentioned in the narrative of the initial report or in a supplemental narrative. It would also be reasonable to expect that these items would be documented in such a way as to explain how they were

> discovered at the scene, who the owner is, and what part these items played, if any in the incident. This incident was not considered a criminal investigation at the time of the crash due to the fact that none of the first responders on the scene were of the opinion that Montano was intoxicated or physically impaired due to being under the influence of an intoxicant, specifically alcohol.

Chief Vine is correct that due to the officers not concluding it was a criminal investigation at the time of the crash, they did not collect evidence. Chief Vine fails to address the fact that even after Bernice Montano left the hospital without a blood test to see her intoxication level, officers still did not go back to the scene of the crash to collect evidence and the reasons for that decision. Furthermore, Chief Vine fails to state that even at the time of Amanda Morales' complaint (September 4, 2020) the bottles still had not been collected from the side of the road, and at that time, it was clear that the investigation was looking into criminality on the part of Bernice Montano. In interviews, it is clear that EMS and Police do not have a policy in place for telling authorities that someone has refused medical service after an accident including serious bodily harm or fatality. As such, officers did not even know she had refused medical service until much later and the bottles could no longer be deemed evidence due to the time that had passed. It is a serious failure by the officers and Chief not to highlight in any reporting or investigation that an officer should have accompanied the EMS personnel to the hospital since this was a fatality accident.

All interviewees stated that the party that would have picked up all of the debris from the side of the road is the towing company. As this was deemed a non-criminal accident at the time, this seems to be the standard procedure.

It is alarming that Chief Vine's report fails to even discuss this lapse in time to understand the breakdown in understanding. Mrs. Morales clearly stated in her complaint dated September 4, 2020 to him that the bottles were a major point of contention as a piece of evidence. Chief Vine failed to follow up on discussion as to why these bottles were not evidence, the communication chain that did not exist that may have salvaged these bottles to serve as evidence, or who is responsible for picking up those bottles once it is not deemed evidence.

Further exacerbating this issue, Chief Vine fails to mention that as of his report (November 24, 2020) the bottles that were in the pictures of the crime scene were still on the side of the road. On January 15, 2021, the City Manager and City Attorney, after meeting with Mrs. Morales, scanned the accident scene and still found two of the three liquor bottles from the pictures. It was at this time,the City Manager instructed Chief Vine that he needed to address this accident scene properly.

Lastly, regarding the thoroughness of the investigation I turn to Detective Terri Hughes' closure of the case. In Mrs. Morales' complaint against Chief Vine, she states that Detective Hughes closed the case before having forensics done on the phone. Mrs. Morales picked up the phone months after it was seized, fixed the phone and was able to track down a witness that has provided key information for the case. This entire saga was ongoing during Chief Vine's investigation into his police department's conduct into this case and it was never mentioned or addressed. Considering her original complaint included this issue on pages 3 and 4, Chief Vine failed to follow up on this matter and include it in his review of his Department's conduct.

Interviewing Lt. Hughes, I understood her definition of what a closed case means. Chief Vine would have better served his officers by tackling this portion of Mrs. Morales' complaint with an explanation of what a closed case means. Mrs. Morales never received a formal explanation that closing a case to send to the District Attorney does not mean that the District Attorney will not request further assistance and investigation from the Police Department.

Inconsistency: In the discussions about why Mrs. Morales was unable to obtain her daughter's phone, there is a disconnect between the reasoning for not conducting field sobriety tests and seizure of the phone. In short, officers failed to conduct SFSTs on Benice Montano because officers deemed it a non-criminal accident, yet concurrently officers seized Alyssa Salazar's phone to do forensics. These are not consistent actions by officers on scene. This was not addressed by any party interviewed by the City Manager.

Police Officers Treated Her and Family Members Unprofessionally and Callously - Pg. 8

Amanda Morales has stated verbally to the City Manager and City Attorney that Officers Head and Hughes were callous toward her during the course of explaining her daughter's death. She also intimated that she was talked to in unprofessional ways. One such incident involved her confronting Sgt. Head about the bottles that were left at the accident scene. In this account, Mrs. Morales states that when her daughter pointed out that bottles were left at the scene, she states that Sgt. Head made a comment to the effect that those bottles could have been planted there. Mrs. Morales stated that Sgt. Head was cold in his interaction with her when he visited her to inform her of her daughter's death.

In the complaint specifically, Mrs. Morales states (pg 8):

> I lost my job due to my Alyssa's death. Tyler Head has been very, very rude and disrespectful and Mr. Vine says nothing. If the Chief of Police does nothing to all this behavior of the officers how many more families are going to suffer such an injustice.

Mrs. Morales has intimated to me in the past about the rude behavior of officers. In the interviews conducted with Sgt. Tyler Head and Lieutenant Hughes, both stated that they were not trying to be rude to Mrs. Morales. Lt. Hughes stated that she believes some of the problems come from the fact that police use of language is different from common parlance. One example of this is the term "unopened bottles." When Sgt. Head and Lt. Hughes uses the term, it is meant to describe that the bottles had their lids on them, not that they have never been open. Another example given was that Lt. Hughes used the term that her investigation/case was closed and sent to the District Attorney. This does not mean that when the District Attorney requests further investigation in pursuit of prosecution that Dayton Police would not be investigating. Mrs. Morales' understanding of those terms as a lay person may have caused some misunderstandings on this front.

All officers deny being rude to Mrs. Morales.

Failure to Properly Reprimand Officers in the Aftermath of the Accident/Chief Vine Produced a False Report - Pg. 4, 9 & 11

Chief Vine provided a thorough reconstruction of events surrounding the crime scene as he was reviewing the conduct of officers during the investigation. In his investigation, he sustained both allegations. Those findings were that "Dayton Police Officers failed to conduct Field Sobriety Tests to determine the level of intoxication of the driver of the vehicle, Bernice Montano..." and "Dayton Police Officers failed to collect items at the scene of the crash, specifically, bottles of alcoholic beverages and a plastic bag of marijuana."

Chief Vine had received this complaint on September 4, 2020. He conducted the investigation over a two month period and submitted his findings on November 24, 2020. Chief Vine's breakdown of the failures are detailed in his report.

The question is whether Chief Vine produced a false report. To produce a false report, an act of commission or omission must be found. While Chief Vine's narrative is thorough, it does leave out key information that allows him to reduce the impact of the findings in his report.

First, he fails to address his department's failure to handle the bottles on scene through January 15, 2021. This is a misstep by the department, considering Bernice Montano failed to get a blood test at the hospital. Amanda Morales specifically states that the

following day, the alcohol bottles were still at the scene (on page 2 of her original complaint against the Police Department). Chief Vine sidesteps this detail in her complaint and focuses his efforts on the officers "in the moment" mindset. Mrs. Morales' statement further elaborates on the fact that Detective Terri Hughes informed her that no SFSTs were performed and that Mrs. Montano left the hospital without having her blood alcohol level checked (pg. 3 of original complaint). Lastly, Chief Vine never addressed the issue of the phone being held for forensic purposes, then forensics never being done (pg. 3-4 of original complaint). Mrs. Morales fixed the phone and went through Alyssa Salazar's phone (the one seized by the police) and began contacting people and found a witness to come forward with new testimony.

In interviews, Lt. Hughes and Chief Vine stated that Lt. Hughes sent the phone to forensics with Liberty County. Forensics was unable to pull data off of the phone without the possibility of losing all of the data. Chief Vine spoke with Mrs. Morales if she wanted the forensics team to try to extract this data. Mrs. Morales did not want to risk losing pictures and videos on that phone. It was at that time the phone was released to her.

None of these events or explanations were in Chief Vine's report to provide the chain of events that occurred in the case, even though Mrs. Morales specifically highlighted these issues. A thorough explanation in a formal report would have been more helpful to all parties rather than remaining silent.

Chief Vine's report is a narrow look at the events surrounding only the immediate aftermath of the crash. This narrow view was dictated by Chief Vine alone, as Mrs. Morales offered information and complaints spanning the days after the accident with some issues lingering past November 24, 2020 (the date of his report issuance).

With such a narrow view and using immediately attainable information at the scene of the accident, it was easy to obfuscate and limit the breadth of the findings. This narrow scope could then cascade to minor reprimands for all officers involved.

In response to the report's findings, Chief Vine issued written reprimands to Sgt. Head and Sgt. Brian Chowns (no longer employed with the City of Dayton). Lt. Shane Burleigh requested that he be added as an officer to be reprimanded as he was on the scene with them. [NOTE: This is another issue of limiting the scope of inquiry by Chief Vine] All three officers received the same reprimand on December 18, 2020:

> As a result of a formal complaint (2020-01) involving allegations against you, and a complaint finding report, you are receiving a written reprimand for failing to conduct, or supervise the conducting, of Standard Field Sobriety Tests on the driver in an accident

that resulted in the death of an individual. A copy of the official complaint and the complaint finding report is attached to this reprimand.

This written reprimand will remain in your file for a period of 6 months from the date of the incident and will be removed from your file in the event there are no additional actions that are similar in nature on your part. [Emphasis added]

In interviews, Sgt. Head and Chief Vine both told me that their understanding was that this reprimand's date of the incident is July 6, 2020. Based on the interpretation of 6 months, this reprimand would no longer be in existence as early as January 2, 2021 (180 days from the incident) or as late as January 31, 2021 (six complete months from the date of the incident). Chief Vine instituted a probationary period of between 15 - 44 days total, not six months.

In the interview, Chief Vine admitted that the probation should have started in December rather than July. He stated that the behavior had already been corrected and felt he had already dealt with the issues that plagued this investigation, leading to a more lenient punishment.

Findings:

Failure to Use Professional Training/Properly Investigate/Reconstruct Accident/Collect Evidence - Pg. 3 - **Sustained in Part, Exonerated in Part**

Corroborating Chief Vine's findings of the accident scene management, Dayton Police did fail to thoroughly collect evidence at the time of the incident.

The saga of the seized phone illustrates the lack of explanation that permeates the entire report. The phone was seized by the police department, held for months to do forensics by Liberty County. The phone was broken. In the midst of the initial investigation by Chief Vine, the phone is returned to Mrs. Morales. She has the phone fixed, begins searching the phone for leads and turns up a witness. This entire situation throws up red flags as Chief Vine's silence on the matter contrasts Mrs. Morales' contention in her original complaint. When Lt. Hughes sent the phone to forensics with Liberty County, Lt. Hughes was giving a full-faith effort to recover what was on the phone. Mrs. Morales was given Alyssa Salazar's phone after it was ascertained that the phone could lose all data with the forensic teams extraction protocols.

Mrs. Morales has stated verbally and in writing that an accident reconstruction was not done and that it is a requirement. A thorough reading of the City of Dayton's policies finds the following in III. Procedures - Accident Scene (B)(1):

> Follow-up activities which *may* be necessary include the following: [Emphasis Added]
> b. Reconstruct the accident.

While interviewing Sgt. Head, he explained that it would have been beneficial to do an accident reconstruction because of the "mayhem" of what he drove up on. He stated that it was hard to ascertain what happened at the scene because there were no skid marks or any other indicators that he could see that night to help him understand how the accident occurred.

The language of the policy specifically says may. The definition of may according to the Merriam-Webster Dictionary is "used to indicate possibility or probability; have permission to; have the ability to." These are not words of requirement, but words of discretion. The police department used its discretion not to reconstruct the accident scene.

Police Officers Treated Her and Family Members Unprofessionally and Callously - Pg. 7 **- Inconclusive**

Regarding rudeness and unprofessional behavior by officers, both officers denied those claims. Without recordings or some third party evidence, I cannot have a conclusive finding on it.

Failure to Properly Reprimand Officers in the Aftermath of the Accident/Chief Vine Produced a False Report - Pg. 4 & 11 **- Failure to Properly Reprimand - Sustained; Production of a False Report - Inconclusive**

Chief Robert Vine limited the scope of his inquiry. He did not properly address all issues that Amanda Morales brought forward in her initial complaint. It is convenient that the scope chosen by Chief Vine was the most easily defensible portion of her complaint. He failed to further investigate why the crash scene hadn't been properly processed in the days after Bernice Montano left the hospital to avoid a blood test. He failed to further investigate into why a phone was seized for forensics but never tested as she alleged, especially in light of SFSTs not being conducted because it was deemed a non-criminal accident. He failed to follow up on issues into whether the police department was rigorously investigating this case. He never answered why the phone was seized and held for months on an accident deemed non-criminal. According to all questioned, no one was aware that Bernice Montano had not been blood tested at the hospital until September 2020.

Chief Vine produced a thorough investigation into the topics he wanted to investigate. He ignored complaint topics that were not easy to defend. Merriam-Webster Dictionary defines "false" in a few different ways. The first entry is "not genuine." The second entry is "intentionally untrue; adjusted or made so as to deceive; intended or tending to mislead." It is hard to establish the intent of Chief Vine's limited report. Creating a false report would require some forethought that could not be established in this investigation.

The question of Chief Vine's motivation to limit his inquiry is evident once the reprimands handed to the officers is taken into account. Each officer received a written reprimand that would be removed from their file after six months if they did not have other issues. Considering the limited scope of inquiry and if only those "heat of the moment" decisions were considered, this light hand would be more palatable.

If Chief Vine had produced a thorough report looking into all of the issues addressed by Mrs. Morales: taking a harder look into the days after the accident, the failure to collect bottles even at the time Chief Vine's report was produced, the failure to coordinate a search of Mrs. Salazar's phone (a task Mrs. Morales accomplished), and knowing that Mrs. Morales found a lead on said phone after detectives held the phone for months, then such a light hand would be impossible to tolerate.

In confronting Chief Vine directly with the question about if he felt that his reprimand of officers seemed fair and just considering the totality of circumstances, he admitted that he should have rendered harsher punishments.

Conclusion

Dayton adheres to the S.H.I.N.E. principles (Service, Humility, Integrity, Nobility, and Excellence). In this set of events, the Dayton Police Department and Chief Robert Vine did not serve the public, failed to have the humility to own up to the full extent of the failure, intentionally limited the scope of inquiry which lacks integrity, failed to hold those responsible to a higher, noble standard, and failed to produce an excellent product.

It is evident that Chief Vine limited his scope of inquiry to the most defensible allegations lodged in the original complaint. He thoroughly worked through that inquiry while failing to address significant allegations lodged by Mrs. Morales completely.

Chief Vine failed to adequately address Mrs. Morales' claims that Officer Head was rude to her in how he broke the news of her daughter's death. Chief Vine failed to provide any performance improvement plan for any officer. He provided a memorandum of

reprimand that by the best count would have stayed on the officers' file for a month or less.

With no performance improvement plan for any officer, minimal reprimand to officers, and outright disregard to allegations made by Mrs. Morales, Chief Robert Vine failed to uphold the City's standard of integrity and nobility.

DAYTON TEXAS

City of Dayton
117 Cook St.
Dayton, Tx 77535
936.258.2642

TO: Robert Vine, Deputy City Manager/Chief of Police

FROM: Theo Melancon, City Manager

DATE: July 20, 2021

RE: Robert Vine Move from Deputy City Manager to Police Chief

This memorandum is to outline the reasons for demoting Chief Vine to Police Chief and eliminating the Deputy City Manager role at this time.

Failure to Adequately Notify City Manager and City Attorney on Salazar Case

On September 3, I was startled to find a Fox 26 story being run about this case and a mother seeking justice. While I can understand people run to the media regularly, July 6 to September 3 is a grand total of 59 days. This is nearly 2 full months. City Attorney Brandon Davis and I had to speak to Council about the situation and had no idea what was going on in the case. This did no justice to either he nor I. The lack of communication on a case that has now embroiled countless work hours for administration is unacceptable.

Slow, Nearly Non-Responsive to my Request to Split DCM and Chief of Police Role (Insubordination)

This item was an egregious example. I requested to see a full breakdown of Chief and DCM roles and the budgetary implications. After multiple months of requests, I still had not seen any of my requests fulfilled.

Chief Vine requested that we unfreeze officer positions for the 2020-21 budget year and had done budget work and breakdowns for all of his needs. It was in this breakfast meeting that I said I am not going to entertain unfreezing any positions until my request was fulfilled. Chief Vine put together the job descriptions of each position, but I never received the budget amendments necessary to make it happen.

Chief Vine continues to request an unfreezing of officer positions, when he knows that my first priority is to have the Chief position separated from the DCM role. I finally agreed to unfreeze one position, all while I am still waiting for his action plan on the splitting of the two roles.

Alyssa Salazar Investigation

As outlined in my investigation report regarding Amanda Morales' complaint regarding Chief Vine's investigation into his department's actions, Chief Vine limited the scope of his inquiry into only things he could defend easily, while ignoring issues raised by Amanda Morales. While my findings did not conclude that Chief Vine produced a false report, his limited scope made it fairly easy for him to punish his officers minimally with no performance improvement plans administered.

Conclusion

City Manager has lost faith in DCM/Chief Vine to serve as Deputy City Manager and Chief of Police concurrently. City Manager has lost faith in DCM/Chief Vine to serve as Deputy City Manager.

At this time, DCM/Chief Vine will no longer hold the title of Deputy City Manager. His compensation will be adjusted accordingly due to his compensation package being heavily reliant on his role as Deputy City Manager.

His new compensation will be $105,000 with standard employee benefits as outlined in the employee handbook.

He is also being placed on a six-month probationary period. At any time the City Manager can terminate employment, maintain current status permanently, or reinstate Chief Vine to the Deputy City Manager role at a readjusted compensation rate.

DAYTON TEXAS

July 30 2021

To: Mayor Caroline Wadzeck
Brandon Davis, City Attorney
Tammy Alexander, HR Director
Robert Vine, Deputy City Manager / Police Chief

From: David M Willard, Interim City Manager

RE: Official Complaint Against City Manager Theogene Melancon

On July 20 2021, Robert G Vine filed an official complaint against City Manager Theogene Melancon in response to a memo dated July 20 2021, wherein Mr Melancon concluded that he had lost faith in Mr Vine to serve in the capacity of Deputy City Manager, thereby removing the title, reducing his compensation package associated with the position of Deputy City Manager and placed on a six month probationary period. Mr Melancon's conclusion was the result of his investigation of a complaint filed against Deputy City Manager/Police Chief Robert Vine on 09/04/2020 by Amanda Morales regarding the Dayton Police Department's response and investigation surrounding the death of her daughter Alyssa Salazar in a one vehicle rollover on July 6 2020.

I was duly appointed Interim City Manager for the City of Dayton beginning July 26 2021 and on July 28th, met with Mr Vine to discuss these and other matters pertaining to his duties with the City of Dayton. Pursuant to my review of all of the relevant reports, memos and other such information in my possession together with my discussions with Mr. Vine, I am recommending that we continue forward with Mr. Vine serving in the capacity of Deputy City Manager and Chief of Police with no reduction in compensation.

I am hopeful that this action will bring a conclusion to all matters in this regard!

Respectfully:

David Willard
Interim City Manager

EXHIBIT H

KPRC Houston (Channel 2) — Rob Vine Coverage

November 19, 2021

Referenced in: Section II.C — Reversal of Disciplinary Action

KPRC Houston news coverage of families accusing the Dayton Police Department of negligence and calling for David Willard's resignation and an independent investigation.

Page 66 of the original omitted from this public copy.

Exhibit H ? KPRC Houston (Channel 2) news article of November 19, 2021, reproduced in full in the original; third-party copyı

EXHIBIT I

Quiroz v. Hernandez — Federal Court Record (E.D. Tex.)

December 31, 2025

Referenced in: Section II.D — The Federal Court Record

Fifth Circuit No. 25-40032, affirming dismissal; underlying case E.D. Tex. No. 1:23-CV-273. A 42 U.S.C. § 1983 civil rights suit naming Vine as a defendant arising from his Dayton tenure.

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
December 31, 2025
Lyle W. Cayce
Clerk

No. 25-40032

Madelyn Marina Quiroz; Marina Naomi Hernandez Quiroz,

Plaintiffs—Appellants,

versus

Eduardo Hernandez; City of Dayton; Theo Melancon, *City of Dayton, City Manager*; Dickenson City Manager; Robert Vine, *Dayton City Police Chief*; John D. Coleman, *Dayton City Police Captain*; Terri Hughes, *Criminal Investigation Division Lieutenant, Dayton City*; Caroline Wadzeck; Kristen Seibert; City of Dayton Fire Department; Murphy Green; Jennifer Bergman Harkness, *Liberty County District Attorney*; Matthew Poston, *Liberty County Attorney*; Matthew Saldana; City of Liberty, Texas; Katelyn Grimes; Allegiance Mobile Health Medical Service; Steve Smith; Ramji Law Group; Jamey Wayne Bice, *also known as* Jaime Bice, *also known as* James Bice, *also known as* Jamey Bice; Stephanie Lee Blum Bice; Morgan Skye White; Union Pacific Railroad Company; Adam Ramji

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:23-CV-273

Before SOUTHWICK, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

This case arises out of a serious car accident involving the reckless driving of two teenagers. Appellant Madelyn Marina Quiroz and her mother Marina Naomi Hernandez Quiroz challenge the district court's dismissal of all of their claims against twenty-three named defendants.[1] The district court adopted the Magistrate Judge's report and recommendation and dismissed Appellants' claims against all defendants with prejudice, with the exception of Eduardo Hernandez, whose claims were dismissed without prejudice. The district court described the Second Corrected Amended Complaint (the "Operative Complaint") as "riddled with pleading deficiencies, difficult to decipher throughout, and replete with vague, conclusory allegations."[2] Nevertheless, the district court was able to discern multiple claims relating to the alleged negligence of first responders and private parties, as well as discrimination claims arising under 42 U.S.C. § 1983 against various city officials related to their handling of the post-accident investigation. Madelyn and her mother now appeal the ruling of the district court, arguing that they should be given a chance to replead for a fourth time to address these deficiencies.

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[1] Defendant Nissan North America was voluntarily dismissed by the parties and was not named in this appeal.

[2] It is important to note that Madelyn and her mother are not proceeding pro se—they procured counsel prior to the filing of the Operative Complaint. Counsel entered an appearance representing the Appellants on November 9, 2023. The Second Amended Complaint was filed on November 20, 2023, and the "Second (Corrected) Amended Complaint," at issue here, was filed on November 21, 2023. Due to the "correction" made by Appellants, though it is titled as a "Second" Complaint, the Operative Complaint is functionally their third. The changes made in the Operative Complaint were not limited to scrivener's errors—Appellants instead made changes to the body of the Operative Complaint, including the descriptions of parties and the claims against them.

Additionally, they argue that the district court erred in its dismissal of all defendants. Having found no error or abuse of discretion, we AFFIRM.

I

On January 23, 2020, appellant Madelyn Quiroz, then just 16 years old, was a backseat passenger in a car driven by appellee Morgan White. Morgan was driving at a dangerous speed—around 86 to 96 miles per hour—on a roadway with a posted speed limit of 30 miles per hour. She was racing appellee Eduardo Hernandez, who was driving a separate vehicle. Morgan eventually lost control of her vehicle, launching it airborne approximately 10 to 15 feet over a ditch and landing on railroad tracks owned by appellee Union Pacific Railroad Company. Madelyn suffered serious injuries from the crash, including a broken back, a serious spinal cord injury, broken ribs, and internal bleeding. Due to these injuries, Madelyn is now a paraplegic, confined to a wheelchair and paralyzed from the chest down. Madelyn and her mother sued various city officials responsible for the immediate care given to Madelyn after the accident and the resulting crash investigation. They also brought claims against Eduardo, Morgan, and members of Morgan's family for their involvement in the crash.

II

Given the high number of defendants involved in this appeal, our court will analyze the distinct (although overlapping) claims brought against each of the twenty-three defendants. For the sake of brevity, we have grouped certain defendants to address all claims against them. We review the district court's dismissals for failure to state a claim de novo. *See Cody v. Allstate Fire & Cas. Ins.*, 19 F.4th 712, 714 (5th Cir. 2021). Likewise, we review the district court's dismissal for lack of subject matter jurisdiction de novo. *Ghedi v. Mayorkas*, 16 F.4th 456, 463 (5th Cir. 2021).

A

Appellants first bring general § 1983 discrimination and negligence claims against appellees Allegiance Mobile Health, a private medical transport company, and one of its paramedics Steve Smith (the "Allegiance Defendants"). Appellants claim that the Allegiance Defendants discriminated against Madelyn and deprived her of "life liberty and property in the pursuit of happiness and also [] denied [her] equal protection of the law." This claim stems from an alleged argument between Smith and the City of Dayton Fire Chief, Murphy Green, regarding whether or not to medivac Madelyn from the scene of the accident. Appellants argue that this disagreement led to a significant delay in Madelyn receiving treatment for her injuries. Appellants further claim that Smith "withheld medical treatment and abandoned [Madelyn] . . . le[aving] a critical patient in the care of a much lower level [EMT]."

The district court characterized Appellants' claims against the Allegiance Defendants as vague and conclusory. Nevertheless, the district court discerned several possible claims against them: "a vague claim for discrimination, negligence, and violations of due process, equal protection, and the Fourth Amendment[3] pursuant to § 1983". We analyze each claim below.

1

Appellants argue that the district court erred in concluding that they failed to properly show that the Allegiance Defendants were state actors for the purposes of their § 1983 claims, and that any such claims would be time-

[3] Because Appellants made no claim relating to the unlawful search or seizure of Madelyn's property or person, our court will construe their Fourth Amendment claim as a general § 1983 claim for discrimination. A claim of false arrest implicates guarantees of the Fourth and Fourteenth Amendments and, therefore, is actionable under § 1983. *See Sorenson v. Ferrie* 134 F.3d 325, 328 (5th Cir.1998).

barred. Additionally, Appellants claim that the district court erred in concluding that they failed to properly assert claims against the Allegiance Defendants. Having found no error, we affirm.

i.

Section 1983 requires state involvement before a cause of action can be asserted thereunder. *Ford v. Harris Cnty. Med. Soc.*, 535 F.2d 321, 323 (5th Cir. 1976). "Like the state-action requirement of the Fourteenth Amendment, the under-color-of-state-law element of § 1983 excludes from its reach 'merely private conduct, no matter how discriminatory or wrongful.'" *American Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999) (quoting *Blum v. Yaretsky,* 457 U.S. 991, 1002 (1982)). Allegiance is a private emergency transport company. Smith, an employee of Allegiance, is a private citizen. He is not employed by the state of Texas, or by the federal government. Appellants argue that Allegiance, as a contractor for the City of Dayton, acted under color of law in undertaking a function intended by the city. Appellants have not cited to a case where our court has found a private company contracting with a municipality for any function similar to an ambulance service to be a state actor for the purposes of a § 1983 claim and we have not found one.[4] Further, as explained, *infra*, Appellants' § 1983 claim against the Allegiance Defendants fails on other grounds.

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[4] In other contexts, the Supreme Court has held that contractors for the government are not state actors for tax purposes. *See United States v. New Mexico*, 455 U.S. 720 (1982). *See also United States v. Boyd*, 378 U.S. 39, 47 (1964) ("[w]e cannot conclude that [the contractors], both cost-plus contractors for profit, have been so incorporated into the government structure as to become instrumentalities of the [State].")

Further, the Court has held that to be liable under § 1983, a private entity must be performing "powers traditionally exclusively reserved to the State." *Manhattan Cmty. Access Corp. v. Halleck*, 587 U.S. 802, 809 (citation modified). "It is not enough that the federal, state, or local government exercised the function in the past, or still does." *Id.*

To adequately plead a discrimination claim under § 1983, a plaintiff must allege (1) that they were treated differently from a similarly situated individual of a different race, and (2) that the differential treatment was motivated by discriminatory intent. *See Fennell v. Marion Indep. Sch. Dist.*, 804 F.3d 398, 412 (5th Cir. 2015) (citing *Priester v. Lowndes County*, 354 F.3d 414, 424 (5th Cir. 2004)). Appellants vaguely allude to Morgan White receiving different treatment but fail to allege any facts to support a claim that that the treatment was related to Madelyn's race. Therefore, Appellants fail to adequately allege any discriminatory intent on behalf of any of the Allegiance Defendants.

Under these facts, we hold that the district court properly concluded that the Allegiance Defendants were not state actors and that there was no evidence of discriminatory intent for the purposes of § 1983. Nevertheless, due to Appellants' inartful pleading, and out of fairness to Madelyn, we consider their timeliness arguments below.[5]

ii.

"Section 1983 does not prescribe a statute of limitations. Instead, the statute of limitations for a suit brought under § 1983 is determined by the general statute of limitations governing personal injuries in the forum state." *Heilman v. City of Beaumont*, 638 F. App'x 363, 366 (5th Cir. 2016) (quoting *Piotrowski v. City of Hous.*, 237 F.3d 567, 576 (5th Cir. 2001)) (citation modified). In Texas, that statute of limitations period is two years.[6] TEX. CIV. PRAC. & REM. CODE § 16.003. "Just as we borrow the forum state's

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[5] Appellants also assert various tolling provisions, without jurisprudential support, throughout their Operative Complaint.

[6] Additionally, in Texas, the statute of limitations period for a negligence claim is also two years. TEX. CIV. PRAC. & REM. CODE § 16.003(a); *Ledford v. Keen*, 9 F.4th 335, 338 (5th Cir. 2021).

statute of limitations for § 1983 purposes, we borrow also the state's tolling principles." *Walker v. Epps*, 550 F.3d 407, 415 (5th Cir. 2008). In Texas, equitable tolling is applied "sparingly"—plaintiffs must be able to prove certain circumstances to allow for tolling to be applied. *Hand v. Stevens Transp., Inc. Emp. Benefit Plan*, 83 S.W.3d 286, 293 (Tex. App. 2002). Litigants cannot use the doctrine to "avoid the consequences of their own negligence." *Id*. Two exceptions recognized under Texas law operate to delay or toll the limitations period—the discovery rule and the doctrine of fraudulent concealment. *See Clouse v. S. Methodist Univ.*, No. 24-10461, 2025 WL 2427755, at *2 (5th Cir. 2025) (unpublished) (citing *Valdez v. Hollenbeck*, 465 S.W.3d 217, 229 (Tex. 2015)).

Madelyn and her mother filed their original complaint on July 17, 2023, one day before the two-year statute of limitations period expired. Appellants did not name the Allegiance Defendants in their original complaint. The Allegiance Defendants were not named as parties until Appellants filed their first amended complaint on October 12, 2023. In response to the magistrate judge's conclusion that their claims against the Allegiance Defendants were time-barred, Appellants argued that their claim against the Allegiance Defendants should relate back to the original complaint. Appellants made no specific argument for fraudulent concealment or the discovery rule. Nevertheless, the district court charitably considered whether either doctrine applies. We review its conclusions, beginning first with the discovery rule.

"To begin, the discovery rule is a narrow exception reserved for exceptional cases and its applications should be few and narrowly drawn." *Clouse*, 2025 WL 2427755, at *4 (quoting *Berry v. Berry*, 646 S.W.3d 516, 524 (Tex. 2022) (citation modified). The rule is limited to circumstances in which a plaintiff's injury is "inherently undiscoverable; that is unlikely to be discovered within the prescribed limitations period despite the exercise of

reasonable diligence." *Id.* (quoting *Marcus & Millichap Real Est. Inv. Servs. of Nev., Inc. v. Triex Tex. Holdings, LLC*, 659 S.W.3d 456, 461 (Tex. 2023) (citation modified). The inquiry is "not case-specific: the question is whether the type of injury alleged is the kind that could ordinarily be discovered through the exercise of reasonable diligence." *Id.* at *4.

Here, it is axiomatic that Madelyn's injuries were discoverable—they were the very basis of the suit originally filed in October of 2023. Further, Appellants failed to bring forth any notions that her injuries were undiscoverable in the Operative Complaint or in the instant appeal. Accordingly, the district court correctly concluded that the discovery rule does not apply here.

Under the doctrine of fraudulent concealment, "when a defendant has fraudulently concealed the facts forming the basis of the plaintiff's claim, [a statute of] limitations does not begin to run until the [plaintiff], using reasonable diligence, discovered or should have discovered the injury." *Regency Field Servs., LLC v. Swift Energy Operating, LLC*, 622 S.W.3d 807, 817 (Tex. 2021).

Appellants raise various vague and conclusory allegations in the Operative Complaint, accusing different appellees of deleting body camera footage, withholding medical records, failing to investigate certain leads, and altering and removing physical evidence found within the car involved in the accident. Although they make these claims generally in their complaint, Appellants fail to bring forth specific allegations of fraudulent concealment as it relates to their untimely filing against the Allegiance Defendants. We therefore agree with the district court in concluding that the doctrine of fraudulent concealment does not apply.

2

On appeal, Appellants argue that an argument between Smith and appellee Murphy Green led to a ninety-minute delay in Madelyn receiving

medical treatment. For the purposes of this opinion, we will construe this as a general claim for negligence against the Allegiance Defendants. Having determined that neither the doctrine of fraudulent concealment nor the discovery rule saves Appellants' § 1983 claims from being barred by Texas's statute of limitations, we turn to the doctrines of misnomer and misidentification.[7]

In response to the Allegiance Defendants' motion to dismiss, Appellants cite to the doctrines of misnomer and misidentification in support of their argument that their untimely claims should relate back to their original complaint. The district court disagreed, finding the doctrines of misnomer and misidentification inapplicable. On appeal, Appellants make the same argument. The crux of the Allegiance Defendants' opposition rests on the argument that Appellants fail to raise any facts that would relate their otherwise untimely claims back to the original complaint under the doctrines of misnomer and misidentification.

Federal Rule of Civil Procedure 15(c)(1)(A) provides that an amendment relates back to the date of the original pleading when a new party was timely served, the amendment does not violate any applicable statutes of limitations, and the party sought to be added:

> (i) received such notice of the action that it will not be prejudiced in defending on the merits; and
>
> (ii) knew or should have known that the action would have been brought against it, but for a mistake concerning the proper party's identity.

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[7] On appeal, it is unclear whether Appellants mean to claim misnomer and misidentification as to their negligence claim along with their § 1983 claim. Out of an abundance of caution, we will consider the argument in defense of both claims being untimely.

FED. R. CIV. P. 15(c)(1)(C)(i)–(ii).[8] In other words, under Rule 15(c), the party to be brought in by amendment must have received notice of the action such that it would not be prejudiced in defending on the merits, and it must have known or should have known that the action would have been brought against it but for a mistake concerning the party's proper identity. "Furthermore Rule 15(c) is meant to allow an amendment changing the name of a party to relate back to the original complaint only if the change is the result of an error, such as a misnomer or misidentification." *Ultraflo Corp. v. Pelican Tank Parts, Inc.*, 926 F. Supp. 2d 935, 947 (S.D. Tex. 2013) (quoting *Miller v. Mancuso,* 388 Fed. Appx. 389, 391 (5th Cir.2010) (citation modified). "A misnomer occurs when a party misnames itself or another party, but the correct parties are involved." *In re Greater Houston Orthopaedic Specialists, Inc.*, 295 S.W.3d 323, 325 (Tex. 2009). Further, Rule 15(c) only applies to substituting or changing a defendant rather than adding a new one. *See Tapp v. Shaw Envtl., Inc.*, 401 F. App'x 930, 932 (5th Cir. 2010) (per curiam).

In reviewing Texas statutes of limitations, our court has held that FED. R. CIV. P 15(c) and TEX. CIV. PRAC. & REM. CODE § 16.068 control, such that "a claim will be deemed to relate back if relation back is permitted under state law, even if it is not permitted under federal law." *Schirle v. Sokudo USA, L.L.C.*, 484 F. App'x 893, 901 (5th Cir. 2012).

Texas law states that:

> If a filed pleading relates to a cause of action, cross action, counterclaim, or defense that is not subject to a plea of limitation when the pleading is filed, a subsequent amendment

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[8] Similar to Texas law, FED. R. CIV. P. 15(c) also requires that the action concerning the newly added parties arise out of the same transaction or occurrence, and not be barred by any applicable statute of limitations.

> or supplement to the pleading that changes the facts or grounds of liability or defense is not subject to a plea of limitation unless the amendment or supplement is wholly based on a new, distinct, or different transaction or occurrence.

TEX. CIV. PRAC. & REM. CODE § 16.068. Misidentification "arises when two separate legal entities exist and a plaintiff mistakenly sues an entity with a name similar to that of the correct entity." *Houston Orthopaedic*, 295 S.W.3d at 325. Misnomer occurs when a party misnames itself or another party, but the correct parties are involved. *Id.* "But we have made clear that tolling is generally not available in cases of misidentification, which involve suing the wrong defendant with a name similar to the one against which suit was intended." *Levinson Alcoser Assocs., L.P. v. El Pistolon II, Ltd.*, 670 S.W.3d 622, 628 (Tex. 2023) (citing *Houston Orthopaedic* at 325).

Appellants claim on appeal that they intended to name the Allegiance Defendants, but instead named the City of Dayton, believing that the City of Dayton was responsible for Madelyn's triage immediately following the accident. This assertion does not invoke the doctrine of misnomer or misidentification: the Allegiance Defendants are a private entity, wholly independent from the City of Dayton, and their names are in no way similar.

Appellants additionally cite to *Bailey v. University of Texas Health Science Center at San Antonio*, wherein plaintiffs were able to successfully relate back their medical negligence claims to add a negligent doctor's employer. 261 S.W.3d 147 (Tex. App. 2008) 332 S.W.3d 395 (Tex. 2011). In that case, though the two defendants did not have similar names, the intended party was the original defendant's governmental employer and had full knowledge of the lawsuit at the time it was originally filed. *Id.* at 152–53.

The same is not true in Madelyn's case. She and her mother filed suit against the City of Dayton mistakenly believing that the city was responsible for her emergency medical care. At the time of the original filing, the

Allegiance Defendants had no knowledge that they were an intended party of the lawsuit. Additionally, the Allegiance Defendants and the City of Dayton do not enjoy the employer-employee relationship present in *Bailey*. On the facts before us, we cannot say that the Allegiance Defendants knew or should have known that a lawsuit filed against the City of Dayton was meant to include them based on their involvement in an accident. Therefore, we conclude that the district court did not err in determining that the doctrines of misnomer and misidentification do not apply to the untimely claims made against the Allegiance Defendants.

3

Any negligence or § 1983 claims against Steve Smith, the paramedic employed by Allegiance, are likewise time-barred. *See id.* Smith was not named as a party in the original complaint. Smith, like his employer, was not named until Appellants filed their first amended complaint on October 12, 2023, outside of the statute of limitations for any negligence or § 1983 claim. As a private individual who was working for a private ambulance company, absent any additional facts, we must agree with the district court that Smith was properly dismissed along with his employer. We therefore conclude that all of Appellants' claims against the Allegiance Defendants are barred.

B

The Operative Complaint names the City of Dayton, the former mayor of Dayton Caroline Wadzeck, the former city manager Theo Melancon, former "Deputy City Manager/Chief [of] Police" Robert Vine, former police captain John D. Coleman, former criminal investigation division lieutenant Terri Hughes, police sergeant Kristen Seibert, the Dayton Volunteer Fire Department, and its former chief Murphy Green as defendants, (hereinafter "Dayton Defendants"). The claims brought against the Dayton Defendants are similar to those brought against the Allegiance

Defendants. Specifically, Appellants contend that the Dayton Defendants "denied Madelyn [] life, liberty, and property in the pursuit of happiness and [] also denied [her] equal protection of the law. Additionally, Appellants claim that the Dayton Defendants "allow[ed] a faulty investigation to continue, depriving [Madelyn] of Crime Victim Compensation benefits for over two and a half years." We will analyze the claims against each of the Dayton Defendants below.

1

We begin first with former mayor Caroline Wadzeck, the City of Dayton Fire Department, and its chief Murphy Green. The Operative Complaint appears to allege equal protection and due process claims against these defendants pursuant to § 1983. Like the § 1983 claims against the Allegiance Defendants, the claims against these defendants are time-barred. Under Texas law, the statute of limitations for § 1983 claims is two years. *See Schirle*, *supra*; TEX. CIV. PRAC. & REM. CODE § 16.003(a). Appellants failed to name the City of Dayton Fire Department, Wadzeck, and Green in their original complaint. These defendants were first named in the first amended complaint filed more than two years after the statute of limitations expired. Appellants claim that they should have been afforded the opportunity to replead to address their failure to timely name the above-mentioned defendants, or alternatively that their dismissals should have been without prejudice. Because the Appellants raise this argument as to every named defendant, this opinion will address, *infra*, the district court's dismissal with prejudice as to all defendants. Having discerned no other defense raised against the dismissal of these defendants by the Appellants, we affirm the district court's dismissal as to Wadzeck, the City of Dayton Fire Department, and Green as time-barred.

In addition to suing many of the City of Dayton's first responders and firefighters, Appellants appear to have attempted to bring a *Monell* liability claim against the City of Dayton itself. These claims are again vague and difficult-to-decipher. The Operative Complaint states that the City of Dayton and its officials "worked to obstruct justice in violation of Madelyn's First Amendment rights," and point to various pieces of evidence that they claim were purposefully lost in the post-accident investigation. The district court discerned these additional claims to be another § 1983 claim as well as a claim for *Monell* liability against the City of Dayton.

Section 1983 "makes liable every person who, under color of state law, violates federal constitutional rights." *Littell v. Houston Indep. Sch. Dist.*, 894 F.3d 616, 622 (5th Cir. 2018) (citation modified). To assert a *Monell* liability claim under § 1983 against the City of Dayton, an appellant must allege three elements: (1) a policymaker; (2) an official policy; and (3) a violation of a constitutional right by a policymaker whose "moving force" is the policy or custom. *Alvarez v. City of Brownsville*, 904 F.3d 382, 389 (5th Cir. 2018); *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 694 (1978). There are three ways to establish a "policy" under *Monell*:

> First, a plaintiff can show written policy statements, ordinances, or regulations.[] Second, a plaintiff can show a widespread practice that is so common and well-settled as to constitute custom that fairly represents municipal policy.[] Third, even a single decision may constitute municipal policy . . . when the official or entity possessing final policymaking authority for an action performs the specific act that forms the basis of the § 1983 claim.

Webb v. Town of Saint Joseph, 925 F.3d 209, 215 (5th Cir. 2019) (citation modified).

The district court determined that the Appellants' *Monell* claim fails on its face. We agree. Appellants fail to bring forth any facts showing *any* ordinance or written policy statements, fail to show any widespread discriminatory practice in the City of Dayton, and, finally, fail to point to any specific act forming the basis of a § 1983 claim. Appellants again string together vague and conclusory allegations that fail to give rise to any violations of Madelyn's constitutional rights by the City of Dayton. Appellants do not attempt to support their claims against the City of Dayton, instead only arguing that they should have been given a chance to replead, that request seemingly being their last line of defense of all failing arguments.

3

As to the remaining Dayton Defendants, former city employees Vine, Coleman, and Hughes, each named in their official capacity, the district court discerned these claims to be redundant echoes of the claims against the City of Dayton itself. Again, we agree.

Because the City of Dayton is a named party, and because "official-capacity suits generally represent only another way of pleading an action against an entity of which an officer is an agent[,]" we hold that the district court properly dismissed Appellants' claims against the above-named defendants as duplicative. *Hafer v. Melo*, 502 U.S. 21, 25 (1991) (citing *Kentucky v. Graham*, 473 U.S. 159, 165 (1985) (holding that suits against state officials in their official capacities should be treated as suits against the State) (citation modified). The Operative Complaint is rife with duplicative claims and it is apparent that Appellants simply restated the same claims against multiple defendants with the hope that that at least one would succeed. We therefore conclude that the claims against the remaining Dayton Defendants were properly dismissed as duplicative.

In sum, the district court did not err in dismissing Appellants' claims against Vine, Coleman, and Hughes. These claims against the city's officials were properly dismissed for failing to state a claim, and for being duplicative of previously brought claims.

C

We next turn to appellee the City of Liberty, its fire department, and appellee Katelyn Grimes (collectively, the "Liberty Defendants"). In the Operative Complaint, Appellants name the City of Liberty, Texas along with City of Liberty paramedic Katelyn Grimes. Although the City of Liberty is named in the caption of the Operative Complaint, nowhere in the body of the complaint do the appellants list any causes of action against the city itself. The same can be said of Appellants' brief *and* their reply.

In analyzing the allegations against the City of Liberty, the district court construed the "extremely sparse and conclusory" claims as violations of Madelyn's due process and equal protection rights and found a discrimination claim under § 1983. As a threshold matter, the district court concluded that because Appellants failed to bring forth any claims against the City of Liberty in the Operative Complaint, they abandoned all claims against it. We agree. On appeal, Appellants likewise make no claims as to the City of Liberty. In fact, they make no mention of the city anywhere in their briefs. As such, all claims against the City of Liberty were waived by Appellants when they first failed to name any cause of action against the city, and second failed to raise any issues on appeal as to this defendant. *See Ratcliff v. Texas*, 699 F. App'x 410, 411 (5th Cir. 2017) (unpublished) (citing *Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Turning to paramedic Katelyn Grimes and the City of Liberty Fire Department, the Operative Complaint alleges that Grimes and the Liberty Fire Department discriminated against Madelyn and "denied [her] of life,

liberty, and property in the pursuit of happiness and [] also denied Madelyn [] equal protection of the law." It further alleges that Madelyn's father, Flavio Quiroz was denied access to his injured daughter by Grimes at the scene of the accident, and that Madelyn's medical history was not obtained by Grimes, or by other emergency medical personnel on the scene.

The district court concluded that any possible discrimination claim fails because Appellants "state no facts at all showing that [Grimes or the Liberty Fire Department] discriminated against Madelyn and fail to allege any specific action for discrimination." We agree. Merely stating that discrimination has taken place without alleging supporting facts does not state a claim for relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S., 662678 (2009).[9]

Appellants' failure to state a claim, combined with their inability to name any cause of action against the Liberty Defendants, and the high likelihood that any claim is barred by the applicable statutes of limitations, leads our court to conclude that the district court correctly dismissed the claims against them.

D

In addition to the Appellants naming the City of Liberty, Texas, they also name city employees Jennifer Harkness, Matthew Poston, and Matthew Saldana. Harkness is the Liberty County District Attorney, and Poston and Saldana are Liberty County assistant district attorneys (the "Liberty County

[9] Additionally, had the district court been able to discern a plausible § 1983 claim, any such claim likely would be barred by applicable statutes of limitations. Appellants failed to name Katelyn Grimes or the Liberty Fire Department in their original complaint—they were not named as defendants until over two after the statute of limitations had run. As discussed *supra*, the statute of limitations for § 1983 claims in Texas is two years. *See Schirle* 484 F. App'x at 901–02; TEX. CIV. PRAC. & REM. CODE ANN. § 16.003(a).

Defendants"). Appellants claim that the Liberty County Defendants discriminated against Madelyn, denying her equal protection of the law. Specifically, Appellants claim that Harkness and the assistant district attorneys assigned to the criminal case against Morgan White did not properly prosecute White, "fail[ing] the public and [the] victim." Appellants claim that Poston simply felt that it would "be too hard to try this case" leading to his refusal to review new evidence. Appellants argue that the Liberty County Defendants' failure to adequately prosecute White was the result of discrimination against Madelyn due to her race and deprived her of Crime Victim Compensation benefits and due process of law.

The district court, "for the sake of thoroughness" assumed that Appellants intended to assert claims under federal and state law. The court then concluded that all Liberty County Defendants were entitled to Eleventh Amendment immunity from any federal claims, and absolute prosecutorial immunity from any claims made against them in their individual capacities. We agree.

1

Appellants' claims against the Liberty County Defendants in their official capacities unquestionably relate to decisions made in their roles as prosecutors for Liberty County. They are therefore entitled to immunity under the Eleventh Amendment. *See Quinn v. Roach*, 326 F. App'x 280, 292 (5th Cir. 2009) (granting Eleventh Amendment immunity to district attorneys and assistant district attorneys sued in their official capacities for claims relating to decisions about whether and when to bring charges); *see also Moreno v. Donna Indep. Sch. Dist.*, 589 F. App'x 677, 680 (5th Cir. 2014) (finding that the Eleventh Amendment shields district attorney from official-capacity liability). We note, however, that claims barred by sovereign immunity should be dismissed without prejudice, not with prejudice. *United States v.*

$4,480,466.16 in Funds Seized from Bank of Am. Acct. Ending in 2653, 942 F.3d 655, 666 (5th Cir. 2019) (citing *Warnock v. Pecos Cty., Tex.*, 88 F.3d 341, 343 (5th Cir. 1996)). Therefore, we affirm the dismissal of the Liberty County defendants with the modification that their dismissal be without prejudice.

2

There is one additional jurisdictional issue that we must address *sua sponte* as to the Liberty County Defendants, and that issue is one of standing. In a previous case before this circuit, we held that a victim lacked standing to sue a prosecutor who failed to bring charges against her assailant. *See Lefebure v. D'Aquilla*, 15 F.4th 650 (5th Cir. 2021). In that case, the prosecutor allegedly failed to "prosecute *or even investigate* [the alleged perpetrator]." *Id.* at 655. The appellant in *Lefebure* brought forth specific allegations and evidence of wrongdoing by D'Aquilla, the would-be prosecutor in the criminal case against her assailant. The panel in *Lefebure* noted that the victim deserved to have her day in court but that its hands were tied: "Supreme Court precedent makes clear that a citizen does not have standing to challenge the policies of the prosecuting authority unless she herself is prosecuted or threatened with prosecution." *Id.* at 652.

In the case at bar, the general allegations in the Operative Complaint fail to point our court to any cognizable claims.[10] We therefore conclude that Appellants also lack standing to file suit against the Liberty County

[10] Appellants claim that Madelyn was deprived of Crime Victims' Compensation by the Liberty Defendants' failure to prosecute the case. However, according to the Texas Office of Attorney General's website on Eligibility for Crime Victims' Compensation, a claimant need only show that "there is enough evidence to show the crime occurred." There is no requirement that a judgment be rendered in the victim's favor.

Defendants. Because dismissals based on lack of standing must be dismissed without prejudice, we affirm the dismissal as modified, *supra*.

3

While the Operative Complaint mentions that the Liberty County Defendants were sued only in their official capacities, on appeal, Appellants argue that these defendants are "not entitled to prosecutorial immunity [for] claims brought against them in their individual capacities under both state and federal law." It is therefore not altogether clear whether Appellants intended to sue the Liberty County Defendants in their official capacities, their individual capacities, or both. Because "courts may not simply rely on the characterization of the parties in the complaint[,]" we will consider claims against the Liberty County Defendants in their individual capacities as well. *Lewis v. Clarke*, 581, U.S. 155, 162 (2014).

As to the Liberty County Defendants being sued in their individual capacities, "[t]he identity of the real party in interest dictates what immunities may be available." *Id.* at 163 (citing *Kentucky v. Graham*, 473 U.S. 159 (1985)). "An officer in an individual-capacity action . . . may be able to assert *personal* immunity defenses, such as, for example, absolute prosecutorial immunity in certain circumstances." *Id.* (citing *Van de Kamp v. Goldstein,* 555 U.S. 335, 342–344 (2009)). On appeal, Appellants argue that the Liberty County Defendants are being sued, not because of their roles as prosecutors, but rather for their "administrative and police-type acts." Appellants cite to the Supreme Court's holding in *Van de Kamp* that "absolute immunity does not apply when a prosecutor gives advice to police during a criminal investigation[.]" *Id.* at 343. But there are no such allegations here. The Operative Complaint points to various decisions the Liberty County Defendants made in their roles as advocates for the state. Further, Appellants fail to bring forth any arguments supporting their contention that the Liberty

County Defendants were acting in their administrative role. Rather, Appellants criticize decisions made in handling of the prosecution of the case, which were "intimately associated with the judicial phase of the criminal process" *Id.* (quoting *Imbler v. Pachtman,* 424 U.S. 409, 428, 430 (1976)).

"District attorneys and assistant district attorneys in Texas are agents of the state when acting in their prosecutorial capacities." *Quinn*, 326 F. App'x at 292. Therefore, prosecutors are absolutely immune, under prosecutorial immunity, from liability with respect to actions taken by them while representing the government in judicial proceedings. *Imbler* 424 U.S. at 430–31. We therefore conclude that any claims brought against these defendants in their individual capacity are barred by prosecutorial immunity.

E

Appellants also bring negligence and obstruction of justice claims against Union Pacific Railroad, the Ramji Law Group, Adam Ramji, James Wayne Bice, Stephanie Lee Blum Bice, Morgan White, and Eduardo Hernandez. These appellees did not respond to Appellants' Operative Complaint—some responded to previous versions of the Appellants' complaints, and some did not respond at all. Due to the varying nature of these appellees' circumstances, our court will address the claims against each of these appellees below.

1

Appellants name both the Ramji Law Group and Adam Ramji in their Operative Complaint but make no substantive claims against them. Though our court was not briefed on their relationship to the instant suit, it appears as though either Adam Ramji or an attorney in the Ramji Law Group represented one of the Allegiance Defendants. Because no substantive

claims were brought against Ramji or the Ramji law group, the district court dismissed them under Federal Rule of Civil Procedure 12(b)(6). We agree. On appeal, Appellants also fail to flesh out any claims against the Ramji Law Group and Adam Ramji, or even mention them in the body of their arguments. Any claims against them are therefore waived. *See Ratcliff*, 699 F. App'x at 411 (citing *Brinkmann*, 813 F.2d at 748).

2

At the district court, Union Pacific Railroad filed a Rule 12(b)(6) motion to dismiss the Appellants' first amended complaint.[11] That motion was denied as moot after Appellants were permitted to amend for a third time. Union Pacific Railroad did not file an answer or motion to dismiss in response to the Operative Complaint. On appeal, Appellants argue only that their state law claims against Union Pacific should be dismissed without prejudice, so that they may have the opportunity to replead. However, neither we nor the district court discerned any state law claims made against Union Pacific. That general claim as to all defendants is discussed, *infra*.

3

Morgan White's parents, James Bice and Stephanie Lee Blum Bice, were named in the Operative Complaint for interfering with a criminal investigation, among other related claims. Like Union Pacific, the Bices responded to Appellants' first amended complaint with a Rule 12(b)(6) motion to dismiss, which was later denied as moot by the district court following Appellants' subsequent amendments to their complaint. Like all

---

[11] In their first amended complaint, Appellants alleged the same vague and conclusory § 1983 claims against Union Pacific, mirroring those they brought against the Dayton Defendants, Allegiance Defendants, and Liberty Defendants. The district court additionally held that appellants failed to properly establish Union Pacific was a state actor for purposes of their § 1983 claim.

other claims made by Appellants, the claims against the Bices are vague and difficult to understand. Appellants allege that the Bices "acted in concert . . . to obstruct justice in the investigation of the injured plaintiff and its causes." The district court found no discernable claims against the Bices in the complaint, as amended, and dismissed all charges against them with prejudice. On appeal, Appellants' sole argument is that their claims against the Bices should not have been dismissed with prejudice and that they should have a right to replead to address the deficiencies highlighted by the district court.

F

Finally, Appellants bring claims against Eduardo Hernandez and Morgan White, the two teenage drivers in the incident. On appeal, Appellants request that we dismiss the claims against Hernandez without prejudice. The district court has already done so.

Turning to Morgan White, astonishingly, Appellants fail to bring forth *any* claims against her in the body of the complaint, as amended, despite their later contention that they had done so. On appeal, Appellants argue that the negligence claims against White were not dismissed by the district court. That is true, in fact, because *Appellants failed to bring any negligence claims against her*. Consequently, there was no error in dismissing the complaint as to Morgan White.

G

On appeal, in defense of the dismissal of all claims against all defendants, Appellants make one recurring argument: they should be permitted to replead or, alternatively, they ask our court to remand with the instruction to dismiss all claims against all named defendants without prejudice. In a motion for reconsideration that the district court construed as a Rule 59(e) motion to alter judgment, Appellants restated their claims as

to all defendants, arguing that any deficiencies found by the district court could be corrected if Appellants were given the opportunity to replead. The district court disagreed. So do we.

From their original complaint to their now-operative and counseled second corrected amended complaint, the factual support for the claims asserted has been lacking. It is clear that allowing Appellants to replead for the fourth time would be entirely futile. "A proposed amendment is futile if the amended complaint fails to state a claim upon which relief could be granted." *Villarreal v. Wells Fargo Bank, N.A.*, 814 F.3d 763, 766 (5th Cir. 2016). Having already determined that all of Appellants' claims are rooted in futility, we affirm the district court's dismissal of all claims with prejudice, with the exception of those Defendants whose Eleventh Amendment immunity require that dismissal be without prejudice. We therefore also decline Appellants' request to instruct the district court to dismiss all claims against the other defendants without prejudice.

* * *

For the foregoing reasons, we AFFIRM the district court's judgment, with the exception of the dismissal of the Liberty County Defendants, whose dismissal we modify to be without prejudice.

EXHIBIT J

Vine "Do Not Engage" Directive to Mayor and Council

October 17, 2025

Referenced in: Section III.G — The "Do Not Engage" Directive

Email from City Manager Vine to every member of the governing body and City Attorney directing: "Do not respond to this individual or engage in any back and forth." Referenced Kyle Moring by name regarding Walmart Store #131 complaints.

From: "Rob Vine"
To: "Carl Hinton"
"Debbie Corbell"
"Jonathan Hageman"
"Kelly Redfearn"
"Lea Ream \(lream@dtrglaw.com\)"
"Melanie Knight"
"Wesley Lyon"
CC: "Candias Webster" <cwebster@mpcity.org>
Date: 10/17/2025 3:47:45 PM
Subject: Instructions Regarding Email
Headers:
From: "Rob Vine" <>
Sender: "Rob Vine" <>
To: "Carl Hinton" <>,
"Debbie Corbell" <>,
"Jonathan Hageman" <>,
"Kelly Redfearn" <>,
"Lea Ream \(lream@dtrglaw.com\)" <>,
"Melanie Knight" <>,
"Wesley Lyon" <>
Cc: "Candias Webster" <cwebster@mpcity.org>
Subject: Instructions Regarding Email
Date: Fri, 17 Oct 2025 15:47:45 -0600
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="Mark=_428921214460637"

Governing Body,

Good morning.

Should you receive an email from a Kyle Moring or the email of [redacted] regarding complaints against the local Walmart store, OSHA or other violations, or general complaints regarding construction practices at this location, please forward them to me. Do not respond to this individual or engage in any back and forth. ACM Webster has been working with an attorney regarding this individual and his continued request for information.

Thank you for your attention to this matter.

Please do not “REPLY ALL”.

Robert G. Vine, CPM

City Manager

City of Mount Pleasant

501 N. Madison

Mt. Pleasant, TX 75455

Office: 903-575-4000

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 email by persons or entities other than the addressee is prohibited. If you have received this email in error, please contact the sender immediately and delete the material from your computer.

EXHIBIT K

DSHS Asbestos Inspection Report No. 56114 (Key Pages)

July 1, 2025

Referenced in: Section I.D — Barrett Disputed Statements

Texas Department of State Health Services asbestos inspection confirming asbestos-containing material in the Walmart Store #131 roof — contradicting Barrett's statement to Vine that "No asbestos was falling." This exhibit contains the inspection findings (pages 1–5) and DSHS acknowledgment letters (pages 93–94) from the full 94-page report. The complete report with laboratory results and site photographs is available upon request.

TEXAS Health and Human Services | Texas Department of State Health Services

Social Security numbers redacted per PIA (§552.147)
Driver license numbers redacted per PIA (§552.130)

Mobile Inspection Report

Name:	Walmart WALMART	**Program/License Type:**	Environmental Notification / Non-Licensed EH	**Inspection Number:**	56114
				Inspection Class:	N Environmental
				Secendary Class:	AB - Asbestos Both
Address:	2311 S Jefferson MOUNT PLEASANT, TX. 75455 MORRIS	**License Number:**		**Inspection Type:**	Complaint/Incident
		File Number:	102957	**Inspector:**	WYSCARVER-SMITH, J(
		License Status:	Current	**Inspection Date:**	07/01/2025
		License Expiration:	07/27/2030	**Disposition:**	I050 - Complete for PSQA Review

Notes:

Inspection Private Note

09/12/25-rbv: Signed complaint form uploaded to HOB.

Inspection Public Note

Not in compliance. Arrived on site at 9am and spoke with Carlos Magana with DCC Contracting 2147711984 I asked Mr. Magana if they had a survey and how many sq ft of the roof had been removed. He said that he didn't know if they had an survey and that 18,000 Sq Ft of material had been removed he then referred me to Thomas Brouillard with DCC Contracting 8045104166. I asked Mr. Brouillard if a survey had been done and he said no and immediately paused work to make sure one got done. I also asked Mr. Brouillard if a notification was filed and he said he wasn't aware that one was needed. Mr. Brouillard paused all work and filed a notification and had a survey conducted by ERI Consulting. Eri found asbestos in some roof flashing that was on the opposite side of their current work scope. Mr. Brouillard scheduled an abatement to happen at a later date and continued working on their current scope.

Left site at 945am

Mobile Inspection Report

Asbestos Training Audit (Ended Feb 2021)

Asbestos NESHAP Facility Abatement Inspection (Ended Feb 2021)

Asbestos Public Building and NESHAP Facility Abatement Inspection (Ended Feb 2021)

Asbestos NESHAP Facility Demolition Inspection (Ended Feb 2021)

Asbestos Public Building and NESHAP Facility OM Inspection (Ended Feb 2021)

Asbestos General Form

RCQ1. Priority Ranking	Top
RCQ2. Please select an Inspection Type Comment: Complaint	A note is needed
RCQ3. Please enter a Project Description Comment: Removal of roofing material	A note is needed
RCQ4. Owner Name - From County Appraisal District (Property Type - Real)	A note is needed
RCQ5. Owner Address	A note is needed
RCQ6. Owner City	A note is needed
RCQ7. Owner State	A note is needed
RCQ8. Owner Zip Code	A note is needed
RCQ9. Owner County	A note is needed
RCQ10. Owner Phone	A note is needed
RCQ11. Contractor Name	A note is needed
RCQ12. Contractor Address	A note is needed
RCQ13. Contractor City	A note is needed
RCQ14. Contractor State	A note is needed
RCQ15. Contractor Zip Code	A note is needed
RCQ16. Contractor County	A note is needed
RCQ17. Contractor Phone	A note is needed
RCQ18. Supervisor Name	A note is needed
RCQ19. Supervisor License Number	A note is needed
RCQ20. Supervisor Contact Information	A note is needed
RCQ21. Project Manager Name	A note is needed
RCQ22. Project Manager License Number	A note is needed
RCQ23. Project Manager Contact Information	A note is needed
RCQ24. Consultant Name	A note is needed

Mobile Inspection Report

RCQ25. Consultant Address	A note is needed
RCQ26. Consultant City	A note is needed
RCQ27. Consultant State	A note is needed
RCQ28. Consultant Zip Code	A note is needed
RCQ29. Consultant County	A note is needed
RCQ30. Consultant Phone	A note is needed
RCQ31. Name	A note is needed
RCQ32. Title	A note is needed
RCQ33. Name	A note is needed
RCQ34. Title	A note is needed

Asbestos Public Building Abatement Inspection (Ended Feb 2021)

Asbestos RFCI Inspection (Ended Feb 2021)

Asbestos Ordered Demolition Inspection (Ended Feb 2021)

Asbestos Public Building and NESHAP Facility Demolition Inspection (Ended Feb 2021)

Asbestos Renovation or New Public Building Construction Inspection (Ended Feb 2021)

Asbestos NESHAP Facility Abatement (2020)

Asbestos Public Building and NESHAP Facility Abatement (2020) (Ended Jan 2022)

Asbestos Public Building and NESHAP Facility Demolition (2020) (Ended Jan 2022)

Asbestos NESHAP Facility Demolition (2020) (Ended Jan 2022)

Asbestos Ordered Demolition (2020) (Ended Jan 2022)

Asbestos Public Building Abatement (2020) (Ended Jan 2022)

Asbestos Renovation or New Public Building Construction (2020) (Ended Jan 2022)

Asbestos Public Building and NESHAP Facility OM (2020) (Ended Jan 2022)

Asbestos RFCI (2020) (Ended Jan 2022)

Asbestos Training (2020) (Ended Jan 2022)

Asbestos Renovation/New Construction (2021)

Asbestos Training Course TAHPR (2021)

Asbestos RFCI TAHPR (2021)

Asbestos Certain NonFriable ACBM TAHPR (2021)

Mobile Inspection Report

Asbestos Demolition NESHAP (2021)

Asbestos Demolition TAHPR/NESHAP (2021)

Owner Responsibilities

Did the owner/delegated agent allow access to the project site?	Yes
Did the individual cooperate with the investigation?	Yes
Was a thorough asbestos survey conducted before demolition?	No
296.191(e); 61.145(a). Did not conduct a thorough asbestos survey in accordance with Texas Asbestos Health Protection Rules (TAHPR) §296.191(e) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61.145(a).	Fail
If a certified statement was used in lieu of an asbestos survey, was it signed by a Texas registered architect or Texas licensed professional engineer who was present during the construction or renovation activities?	Yes
Was a timely notification submitted (or amended) and filled out completely and properly?	No
296.251(a); 61.145(b)(1). Did not provide notification of demolition as required by the Texas Asbestos Health Protection Rules (TAHPR) §296.251(a) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61.145(b)(1).	Fail
Was RACM removed before demolition except for an emergency?	Yes

Demolition

Is RACM and asbestos contaminated debris being kept wet?	Yes
Is there a NESHAP trained representative on-site?	Yes
Does the NESHAP trained representative have evidence of training posted on site and available for inspection?	Yes
Were visible emissions avoided during the project?	Yes
Are warning labels visible and legible on asbestos-containing waste materials (ACWM) packaging?	Yes
Are generator labels on containers or wrapping that contains ACWM?	Yes

Other

Are all the deficiencies observed during the inspection included above? Please cite and note additional violations here.	Yes

Asbestos Ordered Demolition NESHAP (2021)

Asbestos Abatement NESHAP (2021)

Asbestos Small Projects & Repetitive Tasks TAHPR (2021)

Asbestos Whole Components Intact ACM TAHPR (2021)

TEXAS Health and Human Services | Texas Department of State Health Services

Mobile Inspection Report

Asbestos Abatement TAHPR/NESHAP (2021)

Asbestos Abatement TAHPR (2021)

Asbestos O&M TAHPR/NESHAP (2021)

TEXAS DEPARTMENT OF STATE HEALTH SERVICES
Consumer Protection Division
PO Box 149347, Austin, TX 78714
(512) 834-6660

Facility Name	Walmart	License Type	Environmental Notification
Facility Address	2311, S Jefferson, MOUNT PLEASANT, TX, 75455		
Inspection Type	Complaint/Incident		
Inspector	WYSCARVER-SMITH, JOSH	Inspection Date	07/01/2025

This notice is to acknowledge that the Texas Department of State Health Services (DSHS) conducted an inspection of or visited your business on the date listed above. The information that has been gathered is subject to further department review, and you may receive additional correspondence as a result.

Your attention is directed to the deficiency/violation noted below within the scope of this inspection/visit.

Asbestos Demolition TAHPR/NESHAP (2021)

Reg. Code	Description
296.191(e); 61.145(a)	Did not conduct a thorough asbestos survey in accordance with Texas Asbestos Health Protection Rules (TAHPR) §296.191(e) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61.145(a).
296.251(a); 61.145(b)(1)	Did not provide notification of demolition as required by the Texas Asbestos Health Protection Rules (TAHPR) §296.251(a) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61.145(b)(1).

Inspector/Sanitarian:

WYSCARVER-SMITH, JOSH



Date: 07/24/2025

Owner/Operator/Manager:

Not Available to Sign

Date: 07/24/2025

TEXAS DEPARTMENT OF STATE HEALTH SERVICES
Consumer Protection Division
PO Box 149347, Austin, TX 78714
(512) 834-6660

Facility Name	Walmart	License Type	Environmental Notification
Facility Address	2311, S Jefferson, MOUNT PLEASANT, TX, 75455		
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Asbestos Demolition TAHPR/NESHAP (2021)

Reg. Code	Description
296.191(e); 61.145(a)	Did not conduct a thorough asbestos survey in accordance with Texas Asbestos Health Protection Rules (TAHPR) §296.191(e) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61.145(a).
296.251(a); 61.145(b)(1)	Did not provide notification of demolition as required by the Texas Asbestos Health Protection Rules (TAHPR) §296.251(a) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 61.145(b)(1).

Inspector/Sanitarian:

WYSCARVER-SMITH, JOSH



Date: 07/24/2025

Owner/Operator/Manager:

Not Available to Sign

Date: 07/24/2025

EXHIBIT L

DSHS Food Safety Inspection Report No. 308620

July 28, 2025

Referenced in: Section I.D — Barrett Disputed Statements

Texas Department of State Health Services food safety inspection substantiating complaints — contradicting Barrett's statement to Vine: "Not to our knowledge."

TEXAS Health and Human Services | Texas Department of State Health Services

Mobile Inspection Report

Name:	WAL MART SUPERCENTER 131 WALMART STORES TEXAS LLC	**Program/License Type:**	Food Manufacturer / Food Manufacturer	**Inspection Number:**	308620
Address:	2311 S JEFFERSON MOUNT PLEASANT, TX. 75455 TITUS (903) 572-0018	**License Number:**	0036543	**Inspection Class:**	F Food
		File Number:	8665	**Inspection Type:**	Complaint/Incident
		License Status:	Current	**Inspector:**	BRADLEY, JONATHAN
		License Expiration:	06/29/2027	**Inspection Date:**	07/28/2025
				Disposition:	0061 - Voluntary Action Indicated No Warning

License RSD Data

Hours of Operation

HOURS_OF_OP
6am - 11pm

Product

PRODUCT	CLASS	SUBCLASS	PIC	PRODUCTCODE	PRIMARY
72M-Retail Food Estab. (Manufacturer)					F

Notes:

Mobile Inspection Report

Inspection Private Note	8/19/2025-Referred to the Mt. Pleasant Health Department for follow up: jankrum@mpcity.org. MA 7/22/25: Complaint #1524250148 sent to East Branch- JS On 7/28/2025 Miranda Beall and I addressed Complaint #1524250148 in person at Walmart Supercenter 131 located at 2311 S Jefferson, Mount Pleasant, TX 75455. We met with Mr. Pake Montgomery, the Fresh Coach, for this location. I conveyed to Mr. Pake Montgomery the reason for the complaint and the concerns the complainant had. Miranda Beall and I addressed each individual photo included with the complaint to find all the locations that the complainant took photos of. We then took photos of those same locations to document our findings. Our findings are as follows: A) Ceiling insulation and dirt found on the metal display rack where the Great Value Hamburger Dill Chips are located. B) Ceiling insulation and dirt found on top of the boxed Modelo beer. C) Ceiling insulation and dirt found on top of the boxed Miller Light beer. D) Ceiling insulation and dirt found on top of boxed Millie Moon luxury diapers. E) Ceiling insulation and dirt on the display rack where the Great Value distilled water and Parentâ¿¿s Choice distilled water is located. F) Ceiling insulation and dirt found on and around pet toys and pet products. There were no findings of dirt, debris, metal shavings or insulation on any exposed food products, infant formula, baby food, packaged tortillas, packaged meats or frozen food items. There were no findings of wet walls and floor areas in open refrigeration zones. Mr. Pake Montgomery informed us that there was a previous water issue. During a roof replacement, a water pipe was punctured, which was how the leak started. This has since been repaired and no leak was present during the time of inspection. The complainant also took four photos of raw chicken water/blood pooled in plastic drip trays underneath where packaged raw chicken is stored in the display cooler for retail sales. This was visualized during my inspection on this date. I discussed the firmâ¿¿s cleaning process with Mr. Pake Montgomery to address this issue. Mr. Pake Montgomery said that it is cleaned multiple times a day with paper towels and a green machine. This complaint is Substantiated. 66 Attachments (1 Front of Firm, 4 Images of Observations, 1 of notes, 60 images of complaint #1524250148).

Mobile Inspection Report

A - General Firm Info

General Firm Information

Licensing

License Q1. List the GAS of firm Comment: $9,000,000	$ 1,000,000 - $ 9,999,999.99
License Q2. Is this firm a private labeler (no production at this location)? If so, provide name and address of co-packers Comment: The firm is not a private labeler.	No
License Q3. Does this firm co-pack private label products for other firms? If so, provide name and address of private label customer(s). Comment: Firm does not co-pack.	No
License Q4. Is this firm a warehouse operator? If so, provide square footage of area where products under our jurisdiction are stored. Provide name and address of Warehouse Registrants: Comment: Firm is not a warehouse operator.	No
License Q5. Does the firm store product at any offsite storage locations? If so, provide the name and address of any storage locations. Comment: Firm does not store products offsite.	No
License Q6. Does the firm have an EIN noted in the firm file? If no, obtain the EIN from the firm management.	Yes

Firm Data

Firm Q1. If there is any change to the license, indicate the change and effective date	No
Firm Q2. List the most responsible person onsite to whom credentials were presented: Comment: Name and Title of Individual: Mr. Pake Montgomery, Fresh Coach	Provide Info
Firm Q3. List the most responsible person for this location Comment: Ms. Carrie Mahon, Store Manager	Provide Info
Firm Q4. List the firm's website(s) if any: Comment: www.walmart.com	Provide Info
Firm Q5. Select the firm hours of operation Comment: 6am-11pm, Daily.	Food Op Hr 5: Alternative Hours (require days and hours)
Firm Q6. Indicate the number of FTEs the firm has Comment: 240 FTE	A note is needed

Facility Data

Mobile Inspection Report

Facility Q1. Are updates needed to the product codes? Ensure all high risk State product codes are identified. To update, to Additional Info tab.	No
Facility Q2. Has firm added any new product lines? If so, go to Additional info to add	
Facility Q3. Total Square footage of the firm	A note is needed
Comment: 172,000 Sq Ft	
Facility Q4. Temperature Type	Food Temp 7: Ambient/Refrigerated/Frozen
Facility Q5. Water Source	0 - Public Water Source
Facility Q6. Other Food-Regulating Agencies	Food Agency: Local Health
Comment: City of Mt. Pleasant Health Department	

Contract, Compliance, Violative and New Firm Information

Corporate Information (Required for Contract, Compliance, Violation, and initial)

CorpOff Q1. Enter the names and titles of all corporate officers of the firm being inspected.	A note is needed
Comment: Doug McMillon, CEO, Walmart INC John Furner, President and CEO, Walmart U.S. John David Rainey, EVP and CFO, Walmart INC	
CorpOff Q2. Enter the names, titles, and area of responsibilities of location management (if different from corporate officers).	A note is needed
Comment: Ms. Carrie Mahon, Store Manager, is the most responsible person at this location. Mr. [redacted], Store Lead, responsible for all daily operations and transactions. Mr. Pake Montgomery, Fresh Coach, is in charge of produce, meat market, bakery and deli.	
CorpOff Q3. What is the legal status of the firm?	LLC - Limited Liability Company

Supplier Information (Required for Contract, Compliance, Violative and Initial)

Supplier Q1. % Received Interstate, as reported by firm	A note is needed
Comment: 30%	
Supplier Q2. Is firm a direct importer?	No
Supplier Q3. Name the top 3-5 suppliers (name address, products supplied)	A note is needed
Comment: Indicate Products Supplied and full address for all Texas companies. Only city/state/zip required for out-of-state suppliers: 1) Walmart Distribution Center 6042: 20634 S Indian Meridian Rd, Pauls Valley, OK 73075 (Shelf Stable Products) 2) Walmart Distribution Center 6036: 201 Old Elkhart Rd, Palestine, TX 75801 (Fresh Product and Meat Products) 3) Walmart Distribution Center 8348: 940 E Pleasant Run Rd, Lancaster, TX 75146 (Fresh Produce)	

Distribution Information (Required for Contract, Compliance, Violative and Initial)

Distribution Q1. % Shipped Interstate, as reported by firm	A note is needed
Comment: 0%, Retail only.	
Distribution Q2. Distribution area	A note is needed
Comment: N/A, Retail only.	

Mobile Inspection Report

Distribution Q3. %Retail %Wholesale	A note is needed
Comment: 100% Retail.	
Customer Types. Customer Types	A note is needed
Comment: Walk in retail customers.	
Customer List. Name the top 3-5 customers (name and address).	A note is needed
Comment: N/A, Retail only.	

FFR, RFR and FSMA (Required for Contract and Compliance)

FFR and RFT Q1. Is the Firm AWARE of Food Defense Security Preventative Measures? If not, notes must be entered.	Yes
FFR and RFT Q2. Enter reasons if the firm is EXEMPT from FFR	Provide Info
Comment: Retail Food Establishment as its primary function	
FFR and RFT Q3. Enter registration status if the firm is SUBJECT to the FFR	Provide Info
Comment: Firm is exempt.	
Person Registered with FDA. Was the firm able to provide the name and contact information of the person responsible for registering the firm with FDA? If yes, provide the name and contact information in the notes.	No
Comment: Firm is exempt.	
RFT. Is Firm AWARE of the Reportable Food Registry requirement by FDA? If not, notes must be entered.	Yes
FSMA. Was the FSMA User Fee Document provided to the firm?	No

Manufacturing Operations (Required for Contract, Compliance, Violative and Initial)

MfgOps Q1. Enter Manufacturing Processes (select all the apply)	A note is needed
Comment: Prep w/ cook Prep w/o cook	
MfgOps Q2. Description of Manufactured Products	A note is needed
Comment: Various baked breads, baked sweet goods, deli sandwiches, deli salads, rotisserie chickens, deli chicken products, sliced deli meats and cheeses.	

Product Labeling (Required for Contract, Compliance, Violative and Initial)

ProductLabel Q1. Indicate specific food/color additives and allergens in manufactured product(s):	A note is needed
Comment: Milk, eggs, peanuts, tree nuts, wheat, soy, fish, crustacean shellfish, and sesame.	
ProductLabel Q2. Are finished products labeled appropriately for allergens?	Yes
ProductLabel Q3. Is firm exempt from NLEA labeling?	Yes
ProductLabel Q4. Product Labeling Comments:	A note is needed

Mobile Inspection Report

Comment: N/A

Warehouse/Distribution Operations (Required for Contract, Compliance, Violative and Initial)

WarehouseDist Q. Goods Distributed (Enter all that apply) — A note is needed

Comment: Food
OTC
Devices

WarehouseDist Q1. Description of Distributed product (excluding any products firm manufactures): — A note is needed

Comment: Dry bottled and canned grocery items, HBA items, cleaning supplies, paper products, produce, fresh meat, pet food, charcoal.

WarehouseDist Q3. Description of FROZEN Seafood that is wholesaled: — A note is needed

Comment: Firm does not wholesale frozen seafood.

WarehouseDist Q4. Description of REFRIGERATED seafood that is wholesaled: — A note is needed

Comment: Firm does not wholesale refrigerated seafood.

Process Assessment (Required for Contract, Compliance, Violative and Initial)

ProcessAssess Q1. Provide FDA product code for product reviewed during inspection. — A note is needed

Comment: 17 B G T 32
Poultry Products, Part I / Plastic, Synth / Packaged Food (Not Commercially Sterile) / Chicken, Whole

ProcessAssess Q2. Provide Products Produced During Inspection (not required for warehouse) — A note is needed

Comment: Rotisserie Chicken process was reviewed.

ProcessAssess Q3. Description of Specialized Processes and HACCP: — A note is needed

Comment: No specialized processes.

ProcessAssess Q4. Provide Process Flow (not required for warehouse EXCEPT HACCP) — A note is needed

Comment: Whole chickens are received boxed and refrigerated from the truck. They are stored in the meat walk in cooler. The pre-seasoned whole chickens are removed from walk in cooler and are placed in 390°F rotisserie oven and are cooked for 1hr and 20 min or internal temperature reaches 170°F-185°F. Once the cook process is complete the chickens are turned on their side to drain. The rotisserie chickens are then placed in individual plastic bags, labeled and placed for customer self service.

ProcessAssess Q5. Provide information on whom accompanied you during your review of the firm's process

ProcessAssess Q6. Does the firm have a Product Coding System? If so, describe and provide an example. — Yes

Comment: Product Label for manufactured products are coded with the packed date and best if used by date.
Example 6 count white kaiser rolls, packed on 07/26/2025 and Best if used by 07/29/2025.

ProcessAssess Q7. Does the firm have written recall procedures? — Yes

Comment: All recalls are handled by corporate office.

Mobile Inspection Report

ProcessAssess Q8. Report any review of the firm's complaint files — A note is needed

Comment: The firm’s complaint log was reviewed; however, the firm has not received any food safety complaints.

ProcessAssess Q9. Other Process Assessment Comments: — A note is needed

Comment: N/A

Sanitation (Required for Contract, Compliance, Violative and Initial)

SanitationQ1. Is the firm REQUIRED to keep Sanitation Monitoring Records? — No

SanitationQ2. If yes, does the firm monitor/document sanitation practices? — No

SanitationQ3. Briefly Describe the Firm's Sanitation Program (chemicals used, cleaning frequencies, etc...)? — A note is needed

Comment: Each Manufacturing department is equipped with a 3 compartment sink where equipment and utensils are washed, rinsed, and sanitized daily. Firm uses quaternary ammonia as a sanitizer.
Pest Control, Ecolab, services firm once per month.

General Firm Summary

Who accompanied you during the inspection?

InspCompany. Who accompanied you during the inspection? — Provide Info

Comment: Mr. Pake Montgomery, Fresh Coach

Other Summary Comments:

OtherSummary. Other Summary Comments: — Provide Info

Comment: R26 and R27 Cooler 30°F
B-7 Freezer 10°F
RCU1 and RCU2 Freezer 0°F
R12 freezer -4°F
52 Cooler 38°F
R13 Freezer -4°F

Correction

Correction. List any corrections made as result of the previous inspection. — Provide Info

Comment: Previously inspected by: DSHS
Date of Inspection: 06/29/2023
1) Bread room ceiling collapsing in back storage area. Corrected, Cost unknown.
2) Multiple flies in deli area. Not corrected.

Discussion with Management

Discussion with Management. List any discussion with Firm Management — Provide Info

Mobile Inspection Report

Comment: Response to NIO: Mr. Pake Montgomery, Fresh Coach
Current observations/correction Timeframe:
1) Employee jacket stored by packaged meat in meat market cooler. Corrected during inspection.
2) Firms roof is being replaced at this firm and dirt and insulation was found on canned Great Value Hamburger Dill chips, Boxed Modelo beer, Boxed Miller Light beer, Boxed Millie Moon luxury diapers, 1 gallon distilled water jugs, pet toys and pet products. Firm will clean by end of day.
3) Flies found in deli, bakery, and food storage areas. Firm will correct by the end of the week.
4) Handwashing stations in meat market, Produce backroom, and Bakery area not reaching suitable temp. Work orders placed during time of inspection. Will be fixed withing 48 hours.
5) Lack of Thermometers at Deli Display cooler and Produce walk in cooler. Temperatures were within limits during the inspection. Firm will correct by end of day.
6) Lack of Quaternary ammonium test strips in deli area, meat market and produce backroom. Firm will correct within a week.

Discussion Items:
1) Trash can blocking produce backroom hand sink.
2) Plastic gloves inside handwash sink in the produce backroom area.
3) Products/general merchandise against the walls in the storage area.

B - Food Risk Evaluation

Food Risk Evaluation

Firm Operations

FREval-1-1. Select Firm Operations	(0) Vended Water/Ice; Wholesale Registrant; Private Label w/o storage; 100% retail with LHD

100% retail - Local HD Jurisdiction

FREval-2-2. Select 100% retail - Local HD Jurisdiction	Yes

Inspector Signature:



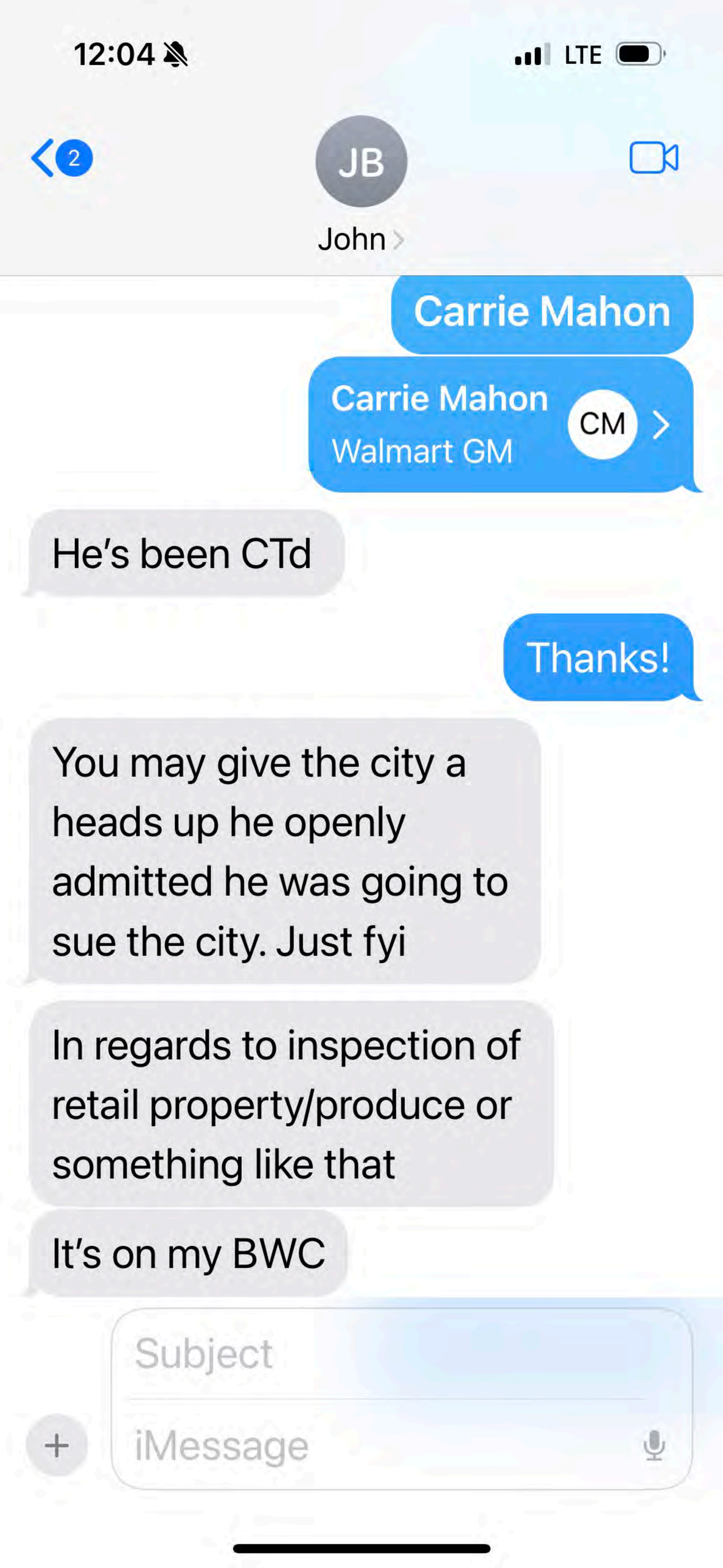
EXHIBIT M

Chief Buhman — Sgt. Beasley Text Thread (Case 25-17553)

October 22, 2025

Referenced in: Section III.H — MPPD Chief Buhman's Call Logs

Text messages between MPPD Chief Mark Buhman and Sgt. John Beasley regarding Kyle Moring's criminal trespass. Beasley texted that Moring "openly admitted" he would sue the City. Based on my review, the available body-worn camera footage does not reflect an admission in those terms. Buhman replied "He can bring it" before reviewing any footage.


12:04
LTE
2
JB
John
Carrie Mahon
Carrie Mahon
Walmart GM
CM
He’s been CTd
Thanks!
You may give the city a heads up he openly admitted he was going to sue the city. Just fyi
In regards to inspection of retail property/produce or something like that
It’s on my BWC
Subject
iMessage

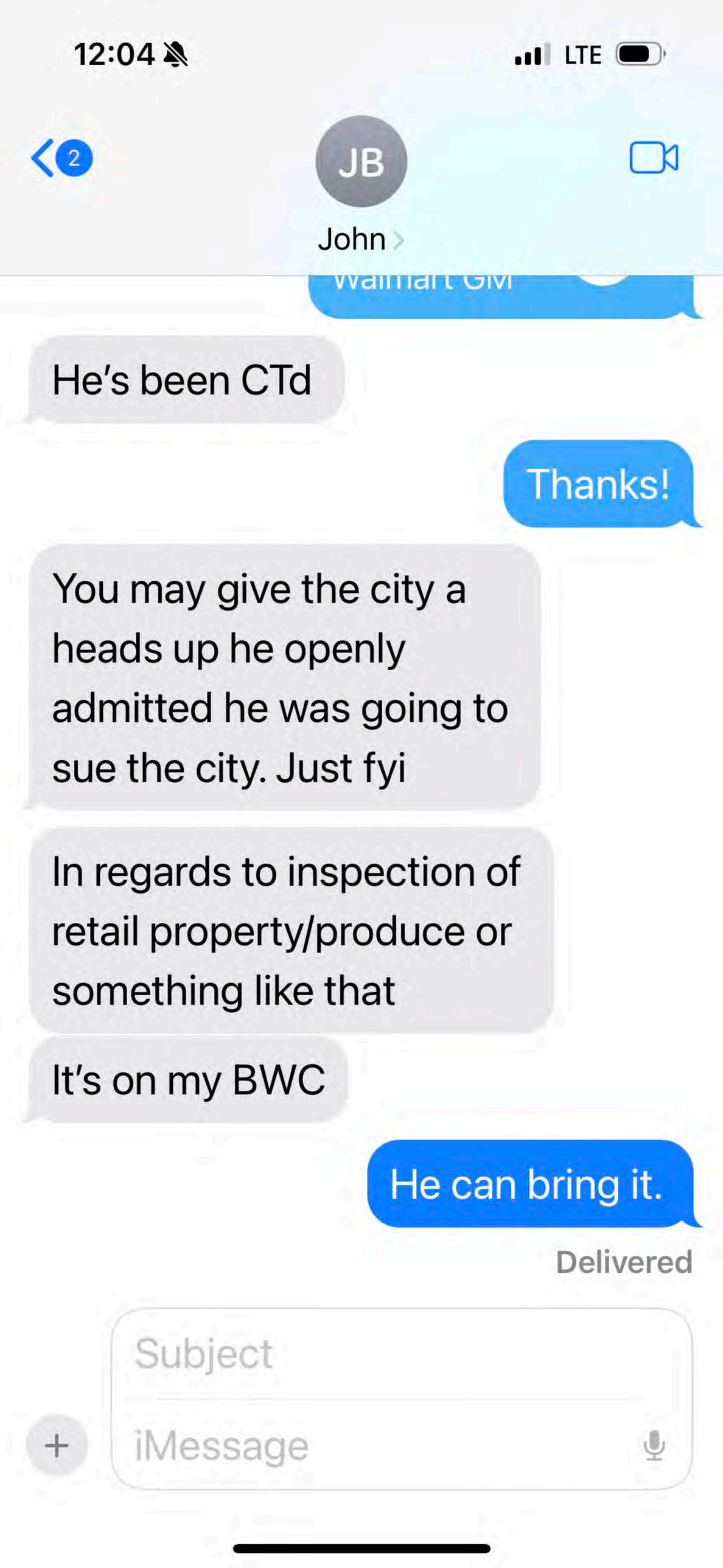

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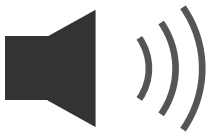
EXHIBIT N

City-Provided Audio Recording — February 18, 2026 Meeting

February 18, 2026

Referenced in: Section III.D — Minor Employee Report / Section III.H — Call Logs

Audio recording of the February 18, 2026 City Council meeting provided by the City of Mount Pleasant. This recording captures the Dayton packet exchange between City Manager Vine and former Councilmember Hinton, as well as additional statements quoted in the accompanying letter. NOTE: This recording terminates before the meeting's conclusion. The audio file is provided as a separate attachment and is not embedded in this binder.



Click here to access the audio recording

Provided by Candias Webster via SharePoint on February 26, 2026