**BEFORE THE OFFICE OF THE ATTORNEY GENERAL**
**OPEN RECORDS DIVISION**
**STATE OF TEXAS**

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**Re:** Supplemental Requestor Comments in Opposition to City's Briefing
**OAG Tracking ID:** OR-26-009567-RR (City's Brief references OR26009561)
**Governmental Body:**City of Mount Pleasant, Texas
**Requestor:** Kyle Moring
**Texas.gov Request ID:** 66385428

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March 04, 2026

Honorable Ken Paxton
Attorney General of Texas
ATTN: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Dear Attorney General Paxton:

# I. INTRODUCTION

I am the requestor in the above-referenced matter. Pursuant to Texas Government Code § 552.304, I submit these supplemental written comments in response to the City of Mount Pleasant's ("City") briefing dated March 3, 2026 ("City's Brief"), submitted by outside counsel Austin R. Beck of Davidson Troilo Ream & Garza, P.C. The City's Brief asserts that fire alarm and sprinkler system plans for Walmart Supercenter #131, located at 2311 S. Jefferson Ave., Mount Pleasant, Texas 75455, should be withheld in their entirety under § 552.101 of the Texas Government Code, in conjunction with § 418.181 of the Texas Government Code (the Texas Homeland Security Act, or "HSA").

For the reasons set forth below, the City's reliance on § 418.181 is misplaced. I respectfully request that this office order release of all responsive information; or, alternatively, order release of all reasonably segregable portions and require the City to identify with specificity any discrete plan elements that allegedly identify technical details of particular vulnerabilities to an act of terrorism or a hostile act by a foreign adversary of the United States.

# II. THE PUBLIC INTEREST IN DISCLOSURE

The responsive records are ordinary code-compliance and permitting documents for a commercial retail facility. Independent verification of code compliance is a routine public-

oversight interest, which weighs against an overbroad "withhold everything" posture. This interest is amplified here because the facility is, or has recently been, the subject of multiple concurrent state and federal enforcement proceedings, including an OSHA enforcement inspection (Inspection No. 1845692.015); a pending OSHA 11(c)/FSMA whistleblower investigation (No. 301053630), in which the undersigned is the complainant; a formal fire and life-safety complaint filed with the Texas State Fire Marshal's Office on December 21, 2025; and substantiated complaints filed with the Texas Department of State Health Services concerning asbestos exposure and food safety violations.

Through related public information requests, I have obtained records demonstrating that the City failed to conduct required annual fire inspections at this facility for multiple years, has no Standard Operating Procedure for fire inspections, and does not log fire inspections in NFIRS/NERIS. The fire alarm and sprinkler replacement plans are directly relevant to evaluating whether the City fulfilled its fire-safety regulatory obligations and whether the fire safety systems at this facility were properly permitted, inspected, and maintained.

## III. THE CITY HAS PREVIOUSLY DISCLOSED RECORDS OF THE SAME TYPE

On or about June 27, 2025, the City produced a partial records response to a prior TPIA request for roofing and construction permits related to Walmart Store #131. That production included a subfolder titled *"Curbside addition and remodel 2024,"* which contained a *"Fire"* subdirectory with the following files:

- Fire Alarm.pdf
- Fire Sprinklers.pdf
- UL Technical Report NC27954.pdf
- WM 131 Mt. Pleasant, TX – Combined M&E Submittal (4.16.2024).pdf
- WM 131 Mt. Pleasant, TX – FP Combine Submittals (4.16.2024).pdf
- WM 131 Mt. Pleasant, TX – Hydraulic Calcs Combine (4.16.2024).pdf

These are fire alarm plans, fire sprinkler plans, fire protection submittals, and hydraulic calculations for the same Walmart Store #131 that is the subject of my February 09, 2026 request. The City produced them without claiming any exception under § 552.101, § 552.108, § 418.181, or any other provision of the TPIA.

The City's prior release of substantively similar fire safety materials for the same facility directly undermines its present claim that this category of information inherently "identifies the technical details of particular vulnerabilities" to terrorism or a hostile foreign adversary act. If these plans truly revealed actionable vulnerability details, the City would not have produced them without objection less than eight months ago. The City historically treated these records as ordinary permitting and inspection materials—because that is what they are. While prior disclosure may not operate as a formal waiver of a confidentiality-by-law provision, it is strong evidence that the

factual predicate for the exception—that the records reveal terrorism or foreign-adversary vulnerabilities—is not met. *Cf. Open Records Decision No. 561* (1990) (noting information loses its confidential character when the governmental body has previously disclosed it). The City's decision to seek an Attorney General ruling now, for records substantively identical to those it freely produced, further calls into question the factual basis for the claimed exception.

Moreover, the City did not seek an Attorney General ruling when these same underlying records were first encompassed by an earlier TPIA request submitted on October 18, 2025. That original request expressly instructed the City: "If you assert any exceptions, please seek an Attorney General ruling under § 552.301 and release all segregable information." The City did not seek a ruling, did not claim any exception, and did not file a 10-day letter. Instead, it produced a partial response that included fire system records without objection.

## IV. THE CITY'S § 418.181 CLAIM FAILS

### A. The City Merely Recites the Statute's Key Terms Without Adequate Explanation

The OAG has consistently held that "the mere recitation by a governmental body of a statute's key terms is not sufficient to demonstrate the applicability of a claimed provision." *See, e.g.,* OR2016-01234 at 2; OR2015-20384; OR2015-18902; OR2020-07933.

The City's Brief does precisely this. It asserts that the responsive information "relates directly to elements of critical infrastructure, specifically the location and technical specifications of fire safety systems," and that "disclosure … could expose critical vulnerabilities." But this is nothing more than a paraphrase of the statutory text of § 418.181 itself. Notably, the City's Brief does not tie any specific plan element—a particular pipe route, valve location, or panel specification—to any identified terrorism scenario. The City does not identify *any specific* technical detail that reveals *any particular* vulnerability to *any specific* act of terrorism. As the OAG has made clear, "[a]s with any confidentiality provision, a governmental body asserting one of the confidentiality provisions of the HSA must adequately explain how the responsive information falls within the scope of the claimed provision." OR2016-01234 at 2 (citing Tex. Gov't Code § 552.301(e)(1)(A)).

### B. A Private Retail Store's Fire Sprinkler System Is Not "Critical Infrastructure"

Section 418.181 protects documents that identify technical details of particular vulnerabilities of "critical infrastructure" to an act of terrorism or a hostile act by a foreign adversary. The term "critical infrastructure," as defined in § 421.001(2) of the Texas Government Code, means "all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation."

The key word is *"vital."* Not every building with a fire sprinkler system constitutes critical infrastructure. The OAG has recognized critical infrastructure status for assets such as county jails with security and lock-up systems (OR2010-18443), a city's radio communication system, Texas A&M University, and a major hotel situated in a dense entertainment district adjacent to a 45,000-seat sports stadium (OR2016-01234). In contrast, the OAG has found *no basis* to withhold information where a governmental body failed to demonstrate that recreational facilities such as recreation centers, tennis courts, and swimming pools constituted critical infrastructure (OR2003-8302).

As a persuasive reference point, the Cybersecurity and Infrastructure Security Agency (CISA) identifies 16 critical infrastructure sectors under Presidential Policy Directive 21, including energy systems, water and wastewater systems, communications, dams, nuclear facilities, defense industrial base, and transportation systems. A single Walmart store's fire sprinkler system does not fall within any recognized critical infrastructure sector, nor has the City offered any explanation for why this particular retail store's fire suppression equipment is "vital to the security, governance, public health and safety, economy, or morale of the state or the nation."

The City's Brief simply asserts, in conclusory fashion, that "fire safety systems and controls described in the responsive information … clearly constitute 'critical infrastructure.'" This is a legal conclusion unsupported by any factual showing. If every commercial fire sprinkler plan submitted for building-permit review were classified as "critical infrastructure," the exception would swallow the rule, and cities across Texas could withhold virtually any construction plan from public disclosure.

## C. Routine Code-Compliance Plans Do Not Reveal "Technical Details of Particular Vulnerabilities"

The information at issue consists of construction plans and specifications submitted to the City as part of the ordinary building permit and code compliance process for fire alarm and sprinkler system replacement. These plans show how a fire suppression system *works*—not how it can be *defeated*. They are the type of standard construction documents routinely handled by fire protection contractors, building inspectors, insurance underwriters, and code-compliance officials.

Section 418.181 requires that the documents "identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism or a hostile act by a foreign adversary of the United States." The OAG has emphasized that "[t]he fact information may generally be related to a governmental body's security concerns or to a security system does not make the information per se confidential under the HSA." *See* Open Records Decision No. 649 at 3 (1996); OR2016-01234 at 2; OR2015-20384.

The City has not identified a single specific vulnerability that the plans would reveal, nor has it explained how knowledge of a retail store's sprinkler pipe routing, alarm panel locations, or flow switch specifications would enable any person to commit an act of terrorism. The plans document compliance with fire codes—they are not a blueprint for circumventing security measures.

## D. The City Failed to Address Segregability

The City's Brief requests that "the information in Exhibit A must be withheld in its entirety." However, § 418.181 itself refers to "[t]hose documents or *portions of documents*"—expressly contemplating that confidentiality may apply to specific portions rather than entire document sets. The City has made no effort to identify which specific portions of the plans, if any, might reveal terrorism vulnerabilities versus which portions consist of routine building-code compliance information such as equipment schedules, floor layouts, pipe sizing, or valve specifications.

Even if the OAG were to find that some narrow subset of the information qualifies under § 418.181, the City should be required to release all reasonably segregable non-exempt information. The City's blanket request for total withholding is inconsistent with the TPIA's presumption of openness and the Legislature's clear intent that § 418.181 apply to "portions" of documents where appropriate. At minimum, transmittal emails, cover sheets, equipment schedules, and general code-compliance information should be released, with redaction limited only to discrete component locations or utility tie-in points if the OAG determines those qualify.

## E. The City Has Not Established a Nexus to Terrorism or a Hostile Foreign Adversary Act

As amended by HB 132 (89th Leg., R.S., eff. June 20, 2025), § 418.181 protects documents that identify the technical details of particular vulnerabilities of critical infrastructure "to an act of terrorism or a hostile act by a foreign adversary of the United States." The City's Brief, however, references "malevolent acts, including an act of terrorism, hostile act by a foreign adversary, or *other criminal activity*." The phrase "other criminal activity" appears nowhere in § 418.181. By expanding the statutory language with its own gloss, the City reveals its inability to articulate how disclosure of a retail store's fire sprinkler replacement plans would enable either an act of terrorism or a hostile act by a foreign adversary. The City has not offered any explanation—factual or hypothetical—connecting these routine code-compliance documents to either statutory predicate.

The Requestor notes that the City's 10-day letter referenced § 552.108 but the 15-day brief does not pursue that exception; accordingly, the only issue before this office appears to be § 552.101 in conjunction with § 418.181.

### F. The City's Withholding Is Inconsistent with Its Own Representations

The City has taken the position that fire safety conditions at this facility have been corrected, while simultaneously seeking to withhold the very engineering documents that would allow independent verification of that claim. The fire alarm and sprinkler replacement plans are the records that would confirm whether fire safety deficiencies were actually corrected in compliance with applicable codes. By withholding these documents, the City effectively asks this office to accept its unverified assertion that conditions have been remedied while preventing the public from evaluating that claim. This inconsistency undermines the City's good faith in asserting the § 418.181 exception.

## V. COUNSEL'S SUBMISSION TO THIS OFFICE IS MATERIALLY INCOMPLETE

My February 09, 2026 TPIA request specifically referenced and attached an internal City email thread dated October 23, 2025, in which Deputy Chief Aristeo Rodriguez wrote to City Secretary Candias Webster and other City staff: *"There are emails and plans of their fire alarm and sprinkler system replacement. I'll send later today on this thread."* This email was the specific basis for my supplemental request. In the same email thread, Rodriguez attached three fire safety files—*Fire Action Codes.pdf, Fire Inspection 7-23-21.PDF,* and *Fire Inspection 9-11-24.PDF*—as routine internal attachments. These files were produced to me by the City as part of its response to my earlier TPIA request.

Although the City's 10-day letter attaches the Requestor's February 09, 2026 email as Exhibit A (which quotes the Rodriguez statement), the City's filings do not attach the underlying Rodriguez email thread itself or address the administrative context it reflects. The Rodriguez email demonstrates that: **(1)** the records exist; **(2)** City staff discussed them openly in routine internal communications with fire inspection attachments; and **(3)** the City treated these records as ordinary administrative materials—not as law enforcement or confidential information. The City's own Deputy Fire Chief circulated fire safety records as routine email attachments to a broad internal distribution, which is fundamentally inconsistent with the position that these same categories of records warrant confidential treatment under the Homeland Security Act.

I respectfully request that this office consider the Rodriguez email thread (**Requestor's Exhibit A** hereto, previously submitted with my initial requestor position letter dated February 25, 2026) in evaluating the City's claimed exceptions. *Note: The City's Brief uses "Exhibit A" to refer to the withheld plan set. To avoid confusion, references to the Requestor's evidentiary exhibits are designated "Requestor's Exhibit A," "Requestor's Exhibit C," etc. throughout this submission.*

## VI. ADDITIONAL CONTEXT

The same counsel who authored the City's Brief also originated Ordinance 2025-24, which imposed limitations on "repetitive and excessive requests" under § 552.275 and was prompted specifically by the undersigned's TPIA requests **(Requestor's Exhibit D)**. The Requestor raises this not to argue that motive is dispositive, but because the City's own conduct—routine internal handling of fire safety records **(Requestor's Exhibit A)**, prior voluntary production of substantively identical plans **(Requestor's Exhibit C)**, and the absence of any exception claim for eight months—is more consistent with an evolving litigation posture than with a good-faith determination that these records reveal terrorism or foreign-adversary vulnerabilities.

## VII. CONCLUSION

The City's reliance on § 418.181 of the Texas Government Code to withhold fire alarm and sprinkler system plans for a private retail store is unsupported by the facts and contrary to established OAG precedent. The City has failed to demonstrate that: **(1)** Walmart Store #131 constitutes "critical infrastructure" as defined by § 421.001(2); **(2)** the responsive plans identify "technical details of particular vulnerabilities" rather than standard code-compliance information; or **(3)** any nexus exists between disclosure and vulnerability to "an act of terrorism or a hostile act by a foreign adversary of the United States." The City has also failed to address segregability, instead demanding wholesale withholding of the entire document set.

The City's position is further undermined by the evidentiary record: it has already produced fire alarm plans, sprinkler plans, fire protection submittals, and hydraulic calculations for this same facility without claiming any exception **(Requestor's Exhibit C)**. Its filings do not address the underlying City email thread that prompted this request and that reflects routine handling of fire safety records **(Requestor's Exhibit A)**. And the same counsel who now asserts these exceptions originated an ordinance specifically targeting the undersigned's public information activity **(Requestor's Exhibit D)**.

This matter arises in the context of multiple state and federal enforcement proceedings concerning this facility, including an OSHA enforcement inspection, a pending OSHA whistleblower investigation, a State Fire Marshal's Office referral, and substantiated DSHS complaints regarding asbestos and food safety.

For these reasons, I respectfully request that the OAG order release of all responsive information in full. In the alternative, I request that this office order release of all reasonably segregable portions and require the City to identify with specificity any discrete plan elements that allegedly identify technical details of particular vulnerabilities to an act of terrorism or a hostile act by a foreign adversary, consistent with § 418.181's reference to "portions of documents."

Respectfully submitted,

Kyle Douglas Moring
Requestor / Interested Party
[redacted]

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## CERTIFICATE OF SERVICE

I certify that a copy of this document has been sent to the City of Mount Pleasant through its outside counsel, Austin R. Beck, Davidson Troilo Ream & Garza, P.C., at abeck@dtrglaw.com, on this date, pursuant to Texas Government Code § 552.304(b).

_____

Kyle Douglas Moring
March 04, 2026

# EXHIBIT BINDER

## Supplemental Requestor Comments

OAG Tracking IDs: OR-26-009567-RR & OR26009561

Governmental Body: City of Mount Pleasant, Texas

Requestor: Kyle Moring

Walmart Store #131
2311 S. Jefferson Avenue
Mount Pleasant, TX 75455

Prepared by: Kyle Moring
Date: March 04, 2026

# EXHIBIT INDEX

Supplemental Requestor Comments — OR-26-009567-RR & OR26009561

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| Exhibit | Description |
|---|---|
| **A** | Internal City Email Thread — Deputy Chief Rodriguez et al. (Oct. 23, 2025). Basis for the February 9, 2026 TPIA request. Shows City treated fire safety records as routine administrative materials. |
| **B** | City's 10-Day Letter (Feb. 24, 2026) from outside counsel Austin R. Beck. Does not attach the underlying Rodriguez email thread or address the administrative context it reflects. |
| **C** | Requestor's Initial Position (Feb. 25, 2026) re: City 10-Day Letter. Documents City's prior voluntary disclosure of fire alarm plans, sprinkler plans, and hydraulic calculations for same facility. |
| **D** | Lea Ream email to Mayor and City Council (Nov. 25, 2025) re: Ordinance 2025-24. Beck originated the ordinance idea; Ream directed Council not to communicate with Requestor. |

# EXHIBIT A

## INTERNAL CITY EMAIL THREAD

Deputy Chief Rodriguez et al. (Oct. 23, 2025)
Basis for February 9, 2026 TPIA Request
Previously submitted with Requestor Position (Feb. 25, 2026)

**★ KEY PASSAGE: "There are emails and plans of their fire alarm and sprinkler system replacement. I'll send later today on this thread." — Deputy Chief Rodriguez, Oct. 23, 2025. This shows City staff treated fire safety plans as routine administrative records.**

# Attachment A

Internal City Email Thread — Deputy Chief Rodriguez et al. (Oct. 23, 2025)

From: "Aristeo Rodriguez" <arodriguez@mpcity.org>

To: "Candias Webster" <cwebster@mpcity.org>
"Jennifer Williams" <jwilliams@mpcity.org>
"Larry McRae" <LMcRae@mpcity.org>
"Danny Beard" <DBeard@mpcity.org>
"Brad Eubanks" <BEubanks@mpcity.org>
"Erin Marshall" <emarshall@mpcity.org>
"Kelly Tinsley" <KTinsley@mpcity.org>
"John Ankrum" <jankrum@mpcity.org>
"Lynn Barrett" <LBarrett@mpcity.org>
"Regina Reynolds" <rreynolds@mpcity.org>

Date: 10/23/2025 12:26:55 PM

Subject: Re: Texas PIA – Three Separate Requests (Please Assign Separate Tracking Nos.) – Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, TX – 1/1/2021–10/18/2025

Attachments: Fire Action Codes.pdf
Fire Inspection 7-23-21.PDF
Fire Inspection 9-11-24.PDF

Headers:
From: "Aristeo Rodriguez" <arodriguez@mpcity.org>
Sender: "Aristeo Rodriguez" <arodriguez@mpcity.org>
To: "Candias Webster" <cwebster@mpcity.org>,
"Jennifer Williams" <jwilliams@mpcity.org>,
"Larry McRae" <LMcRae@mpcity.org>,
"Danny Beard" <DBeard@mpcity.org>,
"Brad Eubanks" <BEubanks@mpcity.org>,
"Erin Marshall" <emarshall@mpcity.org>,
"Kelly Tinsley" <KTinsley@mpcity.org>,
"John Ankrum" <jankrum@mpcity.org>,
"Lynn Barrett" <LBarrett@mpcity.org>,
"Regina Reynolds" <rreynolds@mpcity.org>
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Authentication-Results: dkim=none (message not signed) hea
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Return-Path: arodriguez@mpcity.org
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X-MS-Exchange-ExternalInOutlookResult: NotEnabled
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PE5KCZbPiToWBt56zn19NVT1S6gyyAi/BiABxZledp/3axXHKECoYRA8KFFrnZZM/pwTVV+Av
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VQBKnQAKfDlklPaEOidZurEUwTIGEZ+b/vXjMBZ0V9tvkQ64GbuSBFBXYmWbnNWfcK62UOlCn

Candias,

There are emails and plans of their fire alarm and sprinkler system replacement. I'll send later today on this thread.

Aristeo Rodriguez

Deputy Chief

Mt. Pleasant Fire Dept

work: 903-575-4144

cell: [redacted]

From: Candias Webster <cwebster@mpcity.org>
Sent: Monday, October 20, 2025 9:57 AM
To: Jennifer Williams <jwilliams@mpcity.org>; Larry McRae <LMcRae@mpcity.org>; Danny Beard <DBeard@mpcity.org>; Aristeo Rodriguez <arodriguez@mpcity.org>; Brad Eubanks <BEubanks@mpcity.org>; Erin Marshall <emarshall@mpcity.org>; Kelly Tinsley <KTinsley@mpcity.org>; John Ankrum <jankrum@mpcity.org>; Lynn Barrett <LBarrett@mpcity.org>; Regina Reynolds <rreynolds@mpcity.org>
Subject: FW: Texas PIA – Three Separate Requests (Please Assign Separate Tracking Nos.) – Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, TX – 1/1/2021–10/18/2025

Good morning,

Please see below and advise if you have any information on this request.

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: Kyle Moring <[redacted]>
Sent: Saturday, October 18, 2025 1:04 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: Texas PIA – Three Separate Requests (Please Assign Separate Tracking Nos.) – Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, TX – 1/1/2021–10/18/2025

CAUTION: [EXTERNAL EMAIL]

Good afternoon,

Pursuant to the Texas Public Information Act (Texas Gov't Code ch. 552) , I am submitting three separate public information requests concerning Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, Texas 75455 , for the date range January 1, 2021, through October 18, 2025 . I am sending them in one email for convenience, but please treat each numbered item below as a separate request, assign a distinct tracking number to each, and process them independently (including separate cost estimates and timelines).

Common parameters for all three requests

- Date range: 1/1/2021–10/18/2025

- Location: Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, TX 75455 (include adjacent city-owned sewer/storm infrastructure serving the site).
- Delivery format: Electronic production only—PDF for documents; CSV/Excel for tabular data/exports; native .msg /.pst for emails where feasible; original digital format for media (e.g., CCTV videos). Please deliver by email or a download link.
- Search terms to aid retrieval: "Walmart," "Wal\u8209 -Mart," "Store 131," "2311 S Jefferson," "fire watch," "impairment," "sprinkler," "alarm," "system out of service," "sewer," "line break," "repair," "CCTV," "SSO," "overflow," "illicit discharge," "stormwater," "FOG," "grease."
- Fees: If estimated charges exceed $100 , please send an itemized estimate under §552.2615 before proceeding. I consent to rolling/partial production .
- Redactions/withholding: If you assert any exceptions, please seek an Attorney General ruling under §552.301 and release all segregable information.

Request #1 – Fire Department/Fire Marshal (Fire Watch & Fire System Impairments)

Please route to: Fire Department / Fire Marshal

1. All records that mention, impose, or document a "fire watch" at the above location, including: fire watch orders /directives, impairment notifications/approvals, notices of violation/correction, inspection notes, re-inspection results, clearance/return\u8209 -to\u8209 -service documentation, and any fire watch logs supplied by the facility.
2. All records of fire protection system impairments (fire alarm, sprinkler, fire pump, kitchen hood suppression), including impairment forms, acceptance/functional test results, and any attachments (photos/diagrams).
3. Correspondence (including email with attachments) between Fire Department/Fire Marshal personnel and Walmart staff, property managers, or contractors referencing fire watch or impaired fire protection systems at this site.
4. Any incident/inspection reports coded with or referencing: fire watch, alarm trouble, alarm out of service, sprinkler impairment, system impairment, or similar terminology for this site.

Request #2 – Utilities/Public Works (Wastewater, Sewer, Stormwater/MS4, FOG/Grease)

Please route to: Utilities/Public Works (Wastewater Collection, Stormwater/MS4, Permitting/ROW)

1. Sanitary sewer : work orders, service requests, emergency responses, line break/repair reports , CCTV inspection videos and logs , smoke/dye test results, cleaning/jetting logs, and maps/as\u8209 -builts for the collection system serving the site and any work performed in the parking lot/frontage .
2. SSO/unauthorized discharge records and reports (including TCEQ notifications), field notes, photos, corrective actions, and post-incident summaries in or affecting the site.
3. FOG/grease program records involving Walmart #131 or food service tenants within it: grease trap/interceptor inspection reports, pump\u8209 -out/manifests (if held), notices of violation, enforcement actions, correspondence, and compliance follow-ups.
4. Stormwater/MS4 : illicit discharge complaints/investigations, inspections, enforcement actions, photos, and any records of non-stormwater discharges (e.g., grease) to storm drains associated with the site.
5. Permits : right-of-way/street\u8209 -cut/excavation permits, utility connection/tap records, and locate /mark\u8209 -out tickets related to sewer/storm infrastructure at or immediately adjacent to the store.
6. Correspondence (including email with attachments) among Utilities/Public Works, Code/Permitting, the City Manager's Office, and Walmart or its contractors regarding sewer/stormwater issues, line breaks/repairs, SSOs, illicit discharges, or FOG at this location.

Request #3 – Cross\u8209 -Department Emails, Permits & Code/Building Records

Please route to: City Manager's Office, City Secretary, Building/Permitting, Code Compliance, Fire, Utilities/Public Works (as appropriate)

1. Emails (with attachments) among the City Manager's Office, City Secretary, Building/Permitting, Code Compliance, Fire Department, Utilities/Public Works, and outside parties (Walmart, property managers, and contractors) concerning any "fire watch," fire protection system impairment, sewer/wastewater/stormwater issue, SSO, illicit discharge, grease/FOG, or related excavation/repair at this site .
    - Email fields requested: From/To/CC/BCC, Subject, Date/Time, full message body, and all attachments.
    - Preferred formats: native .msg/.pst if feasible; otherwise, PDF with attachments preserved.
2. Permits/approvals not captured elsewhere, including building permits , special inspections , or site plan adjustments relating to fire protection impairments or sewer/storm repairs at this location.
3. Any internal memoranda, briefings, or meeting notes specifically addressing fire watch periods or wastewater /stormwater incidents at this store.

Important: I am not submitting my Police/Dispatch (CAD/911) request in this email; I will send that request separately.

Please confirm receipt of this email and provide the three separate tracking numbers , along with the assigned point of contact for each request. Do not hesitate to contact me if narrowing would materially reduce cost or time.

Thank you for your assistance.

With gratitude,

Kyle Moring

[redacted] | [redacted]

# Attachment B

Prior Production File Listing — Fire System Records (June 27, 2025)

# Prior Production — Fire System Records

City of Mount Pleasant Partial Records Response (June 27, 2025)

Roofing & Construction Permits — Walmart Store #131

**Subfolder:** Wal-Mart / Curbside addtion and remodel 2024 / Fire /

**Fire Alarm.pdf**

*Fire alarm system plans*

**Fire Sprinklers.pdf**

*Fire sprinkler system plans*

**UL Technical Report NC27954.pdf**

*UL certification / technical report*

**WM 131 Mt. Pleasant, TX - Combined M&E Submittal (4.16.2024).pdf**

*Combined mechanical & electrical submittal*

**WM 131 Mt. Pleasant, TX - FP Combine Submittals (4.16.2024).pdf**

*Combined fire protection submittals*

**WM 131 Mt. Pleasant, TX - Hydraulic Calcs Combine (4.16.2024).pdf**

*Combined hydraulic calculations*

**Note:** These fire alarm plans, fire sprinkler plans, fire protection submittals, and hydraulic calculations were produced by the City of Mount Pleasant without claiming any exception under the Texas Public Information Act. They pertain to the same Walmart Store #131 that is the subject of the February 09, 2026 TPIA request at issue in this 10-day ruling.

*Prepared: February 25, 2026*

# Attachment C

Original TPIA Request to City of Mount Pleasant (Oct. 18, 2025)

**From:** Kyle Moring [redacted]
**Subject:** Texas PIA – Three Separate Requests (Please Assign Separate Tracking Nos.) – Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, TX – 1/1/2021–10/18/2025
**Date:** October 18, 2025 at 1:04 PM
**To:** Candias Webster cwebster@mpcity.org
**Cc:** Austin Beck abeck@dtrglaw.com

KM

Good afternoon,

Pursuant to the **Texas Public Information Act (Texas Gov't Code ch. 552)**, I am submitting **three separate public information requests** concerning **Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, Texas 75455**, for the date range **January 1, 2021, through October 18, 2025**. I am sending them in one email for convenience, but **please treat each numbered item below as a separate request, assign a distinct tracking number to each, and process them independently (including separate cost estimates and timelines).**

**Common parameters for all three requests**

- **Date range:** 1/1/2021–10/18/2025
- **Location:** Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, TX 75455 (include adjacent city-owned sewer/storm infrastructure serving the site).
- **Delivery format:** Electronic production only—PDF for documents; CSV/Excel for tabular data/exports; native **.msg/.pst** for emails where feasible; original digital format for media (e.g., CCTV videos). Please deliver by email or a download link.
- **Search terms to aid retrieval:** "Walmart," "Wal-Mart," "Store 131," "2311 S Jefferson," "fire watch," "impairment," "sprinkler," "alarm," "system out of service," "sewer," "line break," "repair," "CCTV," "SSO," "overflow," "illicit discharge," "stormwater," "FOG," "grease."
- **Fees:** If estimated charges **exceed $100**, please send an **itemized estimate under §552.2615** before proceeding. I consent to **rolling/partial production**.
- **Redactions/withholding:** If you assert any exceptions, please **seek an Attorney General ruling under §552.301** and release all **segregable** information.

**Request #1 – Fire Department/Fire Marshal (Fire Watch & Fire System Impairments)**

**Please route to:** Fire Department / Fire Marshal

1. All records that **mention, impose, or document a "fire watch"** at the above location, including: fire watch orders/directives, impairment notifications/approvals, notices of violation/correction, inspection notes, re-inspection results, clearance/return-to-service documentation, and any **fire watch logs** supplied by the facility.
2. All records of **fire protection system impairments** (fire alarm, sprinkler, fire pump, kitchen hood suppression), including impairment forms, acceptance/functional test results, and any attachments (photos/diagrams).
3. **Correspondence (including email with attachments)** between Fire Department/Fire Marshal personnel and Walmart staff, property managers, or contractors **referencing fire watch or impaired fire protection systems** at this site.
4. Any incident/inspection reports coded with or referencing: *fire watch, alarm trouble, alarm out of service, sprinkler impairment, system impairment*, or similar terminology for this site.

**Request #2 – Utilities/Public Works (Wastewater, Sewer, Stormwater/MS4, FOG/Grease)**

**Please route to:** Utilities/Public Works (Wastewater Collection, Stormwater/MS4, Permitting/ROW)

1. **Sanitary sewer**: work orders, service requests, emergency responses, **line break/repair reports**, **CCTV inspection videos and logs**, smoke/dye test results, cleaning/jetting logs, and maps/as-builts for the collection system serving the site and any work performed in the **parking lot/frontage**.
2. **SSO/unauthorized discharge** records and reports (including TCEQ notifications), field notes, photos, corrective actions, and post-incident

summaries in or affecting the site.

3. **FOG/grease** program records involving Walmart #131 or food service tenants within it: grease trap/interceptor inspection reports, pump-out/manifests (if held), notices of violation, enforcement actions, correspondence, and compliance follow-ups.

4. **Stormwater/MS4**: illicit discharge complaints/investigations, inspections, enforcement actions, photos, and any records of **non-stormwater discharges (e.g., grease) to storm drains** associated with the site.

5. **Permits**: right-of-way/street-cut/excavation permits, utility connection/tap records, and **locate/mark-out** tickets related to sewer/storm infrastructure at or immediately adjacent to the store.

6. **Correspondence (including email with attachments)** among Utilities/Public Works, Code/Permitting, the City Manager's Office, and Walmart or its contractors regarding **sewer/stormwater issues, line breaks/repairs, SSOs, illicit discharges, or FOG** at this location.

**Request #3 – Cross-Department Emails, Permits & Code/Building Records**

**Please route to:** City Manager's Office, City Secretary, Building/Permitting, Code Compliance, Fire, Utilities/Public Works (as appropriate)

1. **Emails (with attachments)** among the City Manager's Office, City Secretary, Building/Permitting, Code Compliance, Fire Department, Utilities/Public Works, and outside parties (Walmart, property managers, and contractors) **concerning any "fire watch," fire protection system impairment, sewer/wastewater/stormwater issue, SSO, illicit discharge, grease/FOG, or related excavation/repair at this site**.
    - **Email fields requested:** From/To/CC/BCC, Subject, Date/Time, full message body, and all attachments.
    - **Preferred formats:** native **.msg/.pst** if feasible; otherwise, PDF with attachments preserved.
2. **Permits/approvals** not captured elsewhere, including **building permits**, **special inspections**, or site plan adjustments relating to **fire protection impairments** or **sewer/storm repairs** at this location.
3. Any **internal memoranda, briefings, or meeting notes** specifically addressing **fire watch** periods or **wastewater/stormwater incidents** at this store.

**Important:** I am **not** submitting my **Police/Dispatch (CAD/911)** request in this email; I will send that request separately.

Please confirm receipt of this email and provide the **three separate tracking numbers**, along with the assigned point of contact for each request. Do not hesitate to contact me if narrowing would materially reduce cost or time.

Thank you for your assistance.

With gratitude,

Kyle Moring
[redacted]

# EXHIBIT B

## CITY’S 10-DAY LETTER

Austin R. Beck, Davidson Troilo Ream & Garza, P.C.
February 24, 2026
Does not attach underlying Rodriguez email thread
or address the administrative context it reflects

**★ NOTE: The City's 10-day letter attaches the Requestor's February 09, 2026 email (which quotes Rodriguez) but does not attach the underlying Rodriguez email thread itself or address the administrative context it reflects.**

DAVIDSON TROILO REAM GARZA PC

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

February 24, 2026

***VIA EMAIL***
Honorable Ken Paxton
Attorney General
ATTN: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

**RE: Public Information Exception Ruling –City of Mount Pleasant, Texas**
**TPIA Ruling Req. – K. Moring Request (Rec'd February 9, 2026)**

Dear Mr. Paxton:

Our firm represents the City of Mount Pleasant ("**City**"), a Texas municipality that is subject to the requirements of Chapter 552 of the Texas Government Code (the "**TPIA**"). The City has received an open records request from Mr. Kyle Moring ("**Requestor**") for certain information relating to commercial fire safety systems. The request was received on February 9, 2026. This ruling request is therefore timely because the 10-day deadline is February 24, 2026, as the City's administrative offices were closed on February 16, 2026, in observance of the President's Day holiday. The Requestor is seeking certain information that is in the possession of the City, but which the City believes may be excepted from disclosure at this time. A copy of this correspondence without enclosures has been provided to the Requestor. A copy of the request is enclosed herein as **Exhibit "A."**

The City has identified information responsive to the request, but is withholding some responsive information because the City believes the information may be excepted from required public disclosure pursuant to one or more exceptions under the TPIA. Within five (5) business days, the City will submit legal arguments to your office regarding applicable exceptions, as well as copies of the responsive information that the City believes are excepted from required public disclosure at this time pursuant to one or more of the TPIA, including but not limited to §552.101 and/or §552.108.

Thank you for your consideration of this matter. Please do not hesitate to call or write if our office can be of further assistance in resolving this request for an open records ruling.

Sincerely,

/s/ Austin Beck
Austin R. Beck

**Enclosures:** Exhibit "A" – Copy of ORR (Rec'd February 9, 2026)

**Copies w/o enclosures sent to:**

Mr. Kyle Moring By Email: [redacted]
Requestor

**EXHIBIT "A"**
**COPY OF OPEN RECORDS REQUEST**

**From:** Kyle Moring <[redacted]>
**Sent:** Monday, February 9, 2026 5:51 AM
**To:** Candias Webster <cwebster@mpcity.org>
**Cc:** Rob Vine <rvine@mpcity.org>; Austin Beck <abeck@dtrglaw.com>; Wesley Lyon <Wlyon@mpcity.org>; [redacted]
**Subject:** Supplemental TPIA Request – Omitted Emails/Plans Referenced by Deputy Chief Aristeo Rodriguez (Fire Alarm & Sprinkler Replacement) – Walmart Store #131

Good morning,

Pursuant to the Texas Public Information Act (Texas Gov't Code, Chapter 552), I am submitting this supplemental public information request related to my prior PIA request(s) concerning Walmart Store #131, 2311 S. Jefferson Ave., Mount Pleasant, Texas 75455.

In the email thread regarding my request(s), Deputy Chief Aristeo Rodriguez wrote to you on October 23, 2025 (12:26 PM) as follows: "There are emails and plans of their fire alarm and sprinkler system replacement. I'll send later today on this thread." Those referenced emails and plans were not included with the records produced.

Accordingly, please produce the following records:

1. The "emails" referenced by Deputy Chief Aristeo Rodriguez concerning the fire alarm system replacement and/or sprinkler system replacement for Walmart Supercenter #131, including the complete email messages and all attachments (including any forwarded message headers and attachment metadata).

2. The "plans" referenced by Deputy Chief Aristeo Rodriguez concerning the fire alarm system replacement and/or sprinkler system replacement for Walmart Supercenter #131, including any plan sets, drawings, design documents, submittals, shop drawings, as-builts, plan review materials/comments, or similar records – regardless of file type (e.g., PDF, DWG, images, etc.).

3. Any subsequent email(s) or message(s) on that same thread, or otherwise related transmissions, from October 23, 2025 through October 24, 2025 (or through the date the City performs its search) in which Mr. Rodriguez (or any recipient) transmitted, attached, linked to, or discussed the referenced emails and/or plans. This includes any sharing by link (e.g., OneDrive/SharePoint links); if the City provided the documents by link, please produce the underlying documents and/or the shared content associated with the link.

**Date range:** For items (1) and (2), January 01, 2021 through October 31, 2025 (and including any records sent on October 23–24, 2025). For item (3), October 23, 2025 through October 24, 2025 (or through the date of the City's search), to capture the "later today" transmission.

**Delivery format:** Electronic production only. Please provide emails in native format (.msg and/or .pst) where feasible; otherwise, PDF is acceptable if attachments are preserved and clearly associated with the parent email. Please provide plans in their original electronic format (or PDF if that is the native format in City custody). Please deliver by email or via a download link.

**Fees:** If estimated charges will exceed $40.00, please provide an itemized written estimate before proceeding. I consent to rolling/partial production.

If the City contends any portion is exempt from disclosure, please release all reasonably segregable non-exempt information and identify the specific legal basis for any withholding.

Please confirm receipt and advise whether you will treat this as a supplemental production under the prior tracking number(s) (preferred) or assign a new tracking number for this supplemental request.

With gratitude,

Kyle Moring

[redacted]

# EXHIBIT C

## REQUESTOR'S INITIAL POSITION RE: CITY 10-DAY LETTER

Kyle Moring to OAG Open Records Division

February 25, 2026

Documents City's prior voluntary disclosure of fire safety plans

**★ KEY EVIDENCE: This letter documents the City's prior voluntary disclosure of fire alarm plans, sprinkler plans, and hydraulic calculations for the same Walmart Store #131 — produced without claiming any exception under § 418.181 or any other TPIA provision.**

**Kyle Douglas Moring, M.S., LPC-Associate**
[redacted]

February 25, 2026

Honorable Ken Paxton
Attorney General
ATTN: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

**Re:** Requestor's Position — City of Mount Pleasant 10-Day Letter
**TPIA Request Date:** February 09, 2026
**Respondent:** City of Mount Pleasant, Texas
**Outside Counsel:** Austin Beck, Davidson Troilo Ream & Garza, P.C.
**City's 10-Day Letter Date:** February 24, 2026
**Exceptions Claimed:** § 552.101 (confidential by law) and § 552.108 (law enforcement)

Dear Open Records Division:

I am the requestor in this matter. I write to provide my position in response to the City of Mount Pleasant's 10-day letter dated February 24, 2026, submitted by outside counsel Austin Beck, in which the City seeks to withhold certain records responsive to my February 09, 2026 TPIA request. The request sought emails and plans referenced by Deputy Chief Aristeo Rodriguez regarding fire alarm and sprinkler replacement at Walmart Store #131 in Mount Pleasant, Texas.

I respectfully submit that the City's claimed exceptions are unsupported by the facts, contradicted by the City's own conduct, and that counsel's submission to this office is materially incomplete.

## I. The City Has Already Produced Records of the Same Type

On or about June 27, 2025, the City of Mount Pleasant produced a partial records response to a prior TPIA request for roofing and construction permits related to Walmart Store #131. That production included a subfolder titled *"Curbside addtion and remodel 2024,"* which contained a *"Fire"* subdirectory with the following files:

- Fire Alarm.pdf
- Fire Sprinklers.pdf
- UL Technical Report NC27954.pdf
- WM 131 Mt. Pleasant, TX – Combined M&E Submittal (4.16.2024).pdf
- WM 131 Mt. Pleasant, TX – FP Combine Submittals (4.16.2024).pdf
- WM 131 Mt. Pleasant, TX – Hydraulic Calcs Combine (4.16.2024).pdf

These are fire alarm plans, fire sprinkler plans, fire protection submittals, and hydraulic calculations for the same Walmart Store #131 that is the subject of my February 9 request. The City produced them without claiming any exception. The City cannot now assert § 552.101 or § 552.108 to withhold records of the same type and same facility that it has already voluntarily disclosed to me in a prior

production. Prior voluntary disclosure of the same category of records defeats a claim of confidentiality. See, e.g., *Open Records Decision No. 561* (1990) (information loses its confidential character when the governmental body has previously disclosed it).

## II. The § 552.108 Law Enforcement Exception Is Inapplicable

Section 552.108 protects law enforcement information whose release would interfere with the detection, investigation, or prosecution of crime or would endanger the life or physical safety of an individual. Fire alarm and sprinkler replacement plans for a commercial retail facility are routine building and fire safety records maintained by the City's fire marshal and building inspections department. They are not law enforcement records, and their disclosure does not implicate any law enforcement interest.

Moreover, the City's own conduct undermines any claim that § 552.108 applies to records it considers sensitive. In response to other TPIA requests, the City has produced records involving MPPD Case No. [redacted]. If the City did not withhold records related to an active criminal investigation involving a minor under § 552.108, it cannot credibly claim that commercial fire system plans for a Walmart require law enforcement protection.

## III. The § 552.101 Confidentiality Exception Lacks a Specific Legal Basis

Section 552.101 requires the governmental body to identify a specific law that makes the requested information confidential. The City's 10-day letter cites § 552.101 but does not identify the specific confidentiality provision it relies upon. The City bears the burden of establishing the applicability of a claimed exception, and a bare citation to § 552.101 without identifying the underlying confidentiality law is insufficient. See Tex. Gov't Code § 552.301(e)(1)(A).

Fire alarm and fire sprinkler plans submitted as part of a commercial building permit application are not confidential under any provision I am aware of. To the contrary, building permit records are routinely available as public records. If the City intends to rely on a specific statute in its brief to your office, I reserve the right to supplement this position in response.

## IV. The City Did Not Seek an Attorney General Ruling on the Original Request

My February 9, 2026 request is a supplemental request that specifically identified records referenced in an internal City email thread already in my possession. The underlying records — emails and plans regarding fire alarm and sprinkler replacement at Walmart Store #131 — were first encompassed by an earlier TPIA request submitted on October 18, 2025 (attached hereto as **Attachment C**). That original request expressly instructed the City: "If you assert any exceptions, please seek an Attorney General ruling under § 552.301 and release all segregable information." When the City responded, it did not seek an Attorney General ruling, did not claim any exception under § 552.101 or § 552.108, and did not file a 10-day letter. Instead, the City produced a partial response that included fire system records (as detailed in Section I above) without objection.

The City's decision to now seek an Attorney General ruling on a supplemental request for the same category of records it previously produced without objection suggests that the claimed exceptions are pretextual rather than substantive.

## V. Counsel's 10-Day Submission Is Materially Incomplete

My February 09, 2026 TPIA request specifically referenced and attached an internal City email thread dated October 23, 2025, involving Deputy Chief Aristeo Rodriguez, City Secretary Candias Webster, and other City staff. In that thread, Deputy Chief Rodriguez confirmed to Webster that *"there are emails and plans of their fire alarm and sprinkler system replacement"* for Walmart Store #131. In the same email thread, Rodriguez (arodriguez@mpcity.org) attached three fire safety files: *Fire Action Codes.pdf*, *Fire Inspection 7-23-21.PDF*, and *Fire Inspection 9-11-24.PDF*. These attachments were produced to me by the City as part of its TPIA response. The fact that Rodriguez freely circulated fire

inspection records and fire action codes as routine internal attachments further demonstrates that the City treats fire safety records for this facility as ordinary administrative materials — not as law enforcement or confidential information.

This email thread was produced to me by the City in response to an earlier TPIA request and formed the specific basis for my February 09, 2026 supplemental request. Mr. Beck's 10-day letter to this office does not attach or reference this email, despite the fact that it was included with my TPIA correspondence to the City. The omission is significant because the Rodriguez email demonstrates that: (1) the records exist; (2) City staff discussed them openly in routine internal communications with fire inspection attachments; and (3) the City treated these records as ordinary administrative correspondence — not as law enforcement or confidential materials. I respectfully request that this office consider the attached Rodriguez email thread in evaluating the City's claimed exceptions.

## VI. Conclusion

I respectfully request that the Attorney General rule that the City of Mount Pleasant must release the requested records in full. The City's claimed exceptions are unsupported by the facts and contradicted by the City's own conduct. Specifically: (1) the City has already produced fire alarm and sprinkler records for the same facility without claiming any exception; (2) § 552.108 does not apply to routine commercial fire safety records, and the City has released far more sensitive law enforcement records without invoking it; (3) the City has not identified a specific confidentiality law to support its § 552.101 claim; (4) the City did not seek an Attorney General ruling when these same records were originally requested; and (5) counsel's submission omits the key email that prompted my request and that confirms the records are routine administrative materials.

I am available to provide additional information or documentation if needed.

Respectfully submitted,



**Kyle Douglas Moring, M.S., LPC-Associate**
[redacted] | [redacted]

# EXHIBIT D

## LEA REAM EMAIL TO MAYOR & CITY COUNCIL

RE: Ordinance 2025-24

November 25, 2025

Beck originated ordinance; Ream directed Council not to communicate with Requestor

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
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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

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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,