Date: December 22, 2025

To:

The Honorable Mayor Wesley Lyon II and Members of the City Council

City of Mount Pleasant, Texas

Via: City Secretary/Records Management Officer

Re: October 28, 2025 joint inspection at Walmart Supercenter #131 — discrepancies between City HSCloud "Passed" record and DSHS Inspection #310327, including internal inconsistencies within the City's own photo documentation

Mayor Lyon and Members of the City Council:

I respectfully request City Council oversight regarding material discrepancies between (1) the City of Mount Pleasant's HSCloud inspection record for the October 28, 2025 inspection at Walmart Store #131 (2311 South Jefferson Avenue, Mount Pleasant, [redacted]) and (2) the Texas Department of State Health Services (DSHS) inspection report and photos for that same inspection date.

Applicable City ordinance framework (Chapter 96)

This matter is not solely about one inspection. It also raises concerns regarding the implementation of the City's own ordinance requirements governing food establishment inspections and inspection report practices.

Under **Chapter 96** (Exhibit A), the City has adopted the **Texas Food Establishment Rules (TEFR)** by reference (25 Texas Administrative Code sections cited in the ordinance), and the ordinance also provides rules concerning complaint-based inspections, posting of inspection results, and inspection report availability/maintenance. Additionally, Chapter 96 requires that the results of the most recent inspection (including any letter grade, score, or ranking assigned by the regulatory authority) be posted in public view at food establishments, and it requires that copies of inspection reports and notices of violations issued within the prior 12 months be maintained on premises.

Joint inspection confirmed by City management

Assistant City Manager/City Secretary Candias Webster confirmed in writing that the October 28, 2025 visit was a joint inspection at the request of DSHS, and that City staff "**walked the property with the state inspector**." (Exhibit B)

City record reflects “Passed” with minimal narrative and incomplete inspection output

The City’s HSCloud export for the October 28, 2025 inspection identifies the visit as a “Re-Inspection” with **Inspection Outcome: “Passed”** and a compliance date of 11/07/2025, while containing only limited comments. The HSCloud export does not document DSHS participation in the inspection record fields (the “Accompanied By” field is blank) and displays “Loading Violation Checklist…” without producing the violation checklist within the exported record. (Exhibit C)

DSHS record documents multiple observed deficiencies

DSHS issued a written Notice of Inspectional Observations for **Inspection #310327** dated 10/28/2025 that documents multiple observations/deficiencies, including: personal items stored in food areas; personal drink stored with product; missing ceiling tiles; sanitizer testing failures (0 ppm); pest activity; inadequate handwashing hot water temperatures; missing chemical test strips; and bakery exposure/allergen-control concerns. (Exhibit D)

Key discrepancies and internal inconsistencies requiring explanation and correction

1. **Outcome inconsistency (“Passed” vs. documented deficiencies):** The City record reflects a “Passed” outcome for an inspection date on which DSHS documented multiple observed deficiencies.
2. **Omission of joint inspection documentation in the City record:** The HSCloud record does not document DSHS participation in the inspection record fields (e.g., “Accompanied By” is blank), despite the City confirming in writing that the inspection was joint and requested by DSHS.
3. **Substantive finding omissions in the City record:** The City’s HSCloud narrative does not reflect most DSHS-documented observations (sanitizer failure, pest activity, personal item/drink storage, missing test strips, allergen/exposure controls), even though DSHS documented them in writing.
4. **Internal inconsistency: the City’s own photos appear to capture DSHS-documented deficiencies, yet HSCloud records no corresponding violation(s).**
    - DSHS documented exposed donuts on rolling racks in the bakery (DSHS photo packet p. 11; DSHS Observation 8(B)). (Exhibit E)
    - The City’s produced photo set likewise shows rolling racks loaded with exposed donuts in the bakery (City inspection photos p. 2). (Exhibit F)
    - DSHS documented an employee jacket stored on a moving cart near the donut prep area (DSHS photo packet p. 29; DSHS Observation 1). (Exhibit E)
    - The City’s produced bakery photo shows a black jacket/garment on the lower shelf of a rolling cart near the donut racks/work area (City inspection photos p. 2). (Exhibit F)

      Despite these apparent overlaps, the City HSCloud record does not record those bakery conditions as violations and still reflects “Passed.”

5. **Complaint number inconsistency in the City's own HSCloud export and lack of response regarding FS-473844:** The HSCloud export references two complaint numbers associated with the same inspection date (FS-473734 and FS-473844), creating uncertainty about the underlying complaint scope and recordkeeping. After identifying FS-473844 in the City's record, I submitted a supplemental clarification request seeking intake/classification records, inspection/field documentation, inter-agency communications, and an explanation/crosswalk linking FS-473844 to FS-473734 (or certifications of non-existence by category). To date, the City has not provided a substantive response to this FS-473844 clarification request. No records have been produced, no certifications of non-existence have been provided, and no explanation has been offered regarding the dual complaint numbers reflected in the City's own inspection system. (Exhibit G & Exhibit H).
6. **Records production concerns noted in the email thread:** The City closed the public information request after producing the HSCloud export and photo pages, while the requestor raised concerns that the production did not include customary inspection documentation (measurements, field notes, inter-agency communications) and requested written non-existence certifications if such records truly do not exist. (Exhibit I)
7. **Apparent misalignment with the City's Chapter 96 inspection report and posting framework:** The City ordinance contemplates inspection results that can be posted publicly and inspection reports/notices that can be retained and reviewed. The limited HSCloud output produced for this complaint/joint inspection, particularly the absence of an exported violation checklist and the omission of most state-documented observations, raises concerns about whether inspection reports are being generated, stored, and made available in a complete and consistent manner.

Requested Action

I respectfully request that Council direct City management to:

1. **Audit and reconcile** the HSCloud entry for the October 28, 2025 inspection, including the basis for the "Passed" outcome given DSHS's written findings and the City's own photo documentation.
2. **Produce a written reconciliation memorandum** mapping each DSHS observation to the City's recordkeeping (what the City observed, recorded, photographed, and followed up on), and explaining any differences in disposition and documentation.
3. **Provide a clarified complaint number crosswalk** for FS-473734 and FS-473844 and identify what complaint intake and disposition records exist for each, including a written certification by category if responsive records do not exist.
4. **Adopt or update policy requiring that joint inspections be clearly identified** in the City's inspection system (partner agency, partner inspector, scope, measurements taken, corrective actions), or that the City's record explicitly cross-reference the partner agency report where the City did not generate duplicative notes.
5. **Provide a records retention and producibility statement** for complaint-driven inspections, including whether inspection worksheets/field notes, measurement logs, photos, and inter-agency communications are created and retained, and—if not—why not.

6. **Establish a standardized inspection record storage and retention process within HSCloud** to ensure that inspection records are complete and retrievable (including the violation checklist, measurements, supporting photographs, corrective actions, and any cross-agency documentation), and to ensure that HSCloud exports reliably produce the full inspection report components.
7. **Implement inspection report transparency consistent with Chapter 96's posting expectations and peer HSCloud jurisdictions**, including publishing inspection results and reports in a timely, accessible format (e.g., a searchable online portal with PDF report downloads), while excluding or redacting legally protected complainant information. As an operational benchmark, NET Health demonstrates that HS Gov Tech/HSCloud-supported inspection portals can publish inspection reports and PDFs for public access.
8. **Standardize food inspection rules, scoring, and documentation going forward by formally operationalizing the City's existing TEFR adoption** and aligning HSCloud forms/checklists, scoring/grades, and inspector documentation practices to TEFR and applicable City ordinance requirements. If additional standardization is desired (e.g., explicit alignment with the current FDA Food Code edition as a training and documentation framework consistent with TEFR), it should be formally adopted, documented, and applied uniformly across inspectors.

Request for agenda docketing and written response

If any item is docketed for City Council agenda discussion, I respectfully request that it be framed as a **policy action item** to:

- Establish a formal **inspection record storage/retention process** within HSCloud and related City systems
- Implement **public-facing transparency for inspection reports** (including inspection outcomes, supporting reports, and, where appropriate, PDF report availability) comparable to peer HSCloud jurisdictions (such as NET Health's inspection report portal model)
- Formalize and publish a **standardized inspection rule set and documentation/scoring methodology** based on the City's existing TEFR adoption and any other applicable standards the City elects to apply

I also request a written response from the City identifying the corrective actions and timelines the City will implement to address these documentation, transparency, and standardization issues.

Respectfully submitted in good faith,



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

Former Asset Protection Investigator – Walmart Store #131

Designated Representative of Current Walmart Store #131 Employees

OSHA 11(c)/FSMA Whistleblower Complainant

[redacted] | [redacted]

Proposed exhibits:

- **Exhibit A** - City of Mount Pleasant Code of Ordinances, Chapter 96 (Food and Food Establishments)
- **Exhibit B** - Joint inspection acknowledgement by City management (November 13, 2025)
- **Exhibit C** - City HSCloud "Inspection Manager" export for 10/28/2025 (Outcome: "Passed")
- **Exhibit D** - DSHS Notice of Inspectional Observations (Inspection #310327; 10/28/2025)
- **Exhibit E** - DSHS Inspection Photos (10/28/2025)
- **Exhibit F** - City email production with photos (including bakery rolling racks and cart)
- **Exhibit G** – November 13, 2025 complaint number clarification request regarding FS-473844 (City HSCloud references multiple FS numbers)
- **Exhibit H** - December 03, 2025 complaint number clarification request regarding FS-473844 (City HSCloud references multiple FS numbers)
- **Exhibit I** – City closure of records request despite incomplete production

CHAPTER 96: FOOD AND FOOD ESTABLISHMENTS

Section

96.01 Definitions

96.02 Adoption of Texas Food Establishment Rules

96.03 Personnel

96.031 Certified food manager required on staff

96.04 Permits

96.05 Application for a permit

96.06 Review of plans

96.07 Inspections

96.08 Examination, detention, and condemnation of food

96.09 Fees

96.10 Suspension of permit

96.11 Revocation of permit

96.12 Administrative process

96.13 Food trucks

96.99 Penalty and enforcement

Cross-reference:

Where foodstuffs stored and kept, see §95.37

§ 96.01 DEFINITIONS.

When used in this chapter the following words and terms, unless the context indicates a different meaning, will be interpreted as follows:

APPROVED SOURCE. Shall mean suppliers should be approved under state law and comply with all local, state, and federal food laws.

CATEGORY I. Food establishments that may require a high frequency of inspections under the Texas Food Establishment Rules may be classified by the regulatory authority as ***CATEGORY I***. The term includes a food establishment that prepares, serves, and sells food from raw meats or seafood, extensively handles foods, serves a highly susceptible population, or is subject to one or more other factors that require more frequent inspections. Without limiting the types of food establishments that may be included in this category, examples of ***CATEGORY I*** food establishments include full service restaurants, fast food restaurants, hospitals, nursing homes, schools, meat markets, seafood markets, sandwich shops, delicatessens, and supermarkets.

CATEGORY II. Food establishments that may require a lower frequency of inspection under the Texas Food Establishment Rules may be classified by the regulatory authority as ***CATEGORY II***. The term includes, without limitation, a food establishment that, with limited food handling, sells only prepackaged foods or prepares, serves, or sells food from pre-cooked ingredients or from ingredients with a low potential for creating a food-borne hazard. Without limiting the types of food establishments that may be included in this category, examples of ***CATEGORY II*** food establishments include packaged grocery stores, convenience stores, produce markets, commissaries, ice cream shops, bakeries, day care facilities, adult care facilities, nursing homes, and lounges.

CATEGORY III. Food establishments that may require a low frequency of inspection, or that may be temporary or seasonal, may be classified by the regulatory authority as ***CATEGORY III***. Without limiting the types of food establishments that may be included in this category, examples of ***CATEGORY III*** food establishments include concession stands, seasonal food service, mobile food units, and produce stands.

FOOD HANDLER. A food handler is a person with any job that requires them to handle unpackaged foods or beverages. Food handlers may be involved in preparing, inspecting or even packaging food and beverage items. All food handlers are required to use proper hygiene and sanitation methods when working with food.

FOOD HANDLER TRAINING. A certification course of study that has been approved by the Texas Department of State Health Services that identifies knowledge a food handler should possess in order to work in a food service establishment.

FOOD MANAGER. A food manager arranges and organizes specific activities for a restaurant by making accurate

decisions, resolving problems with employees and customers and making sure the restaurant is being run in an efficient, proper and safe manner.

FOOD MANAGER TRAINING. A certification course of study which has been approved by the Texas Department of State Health Services that include the training over all content a person must be able to apply in order to be the person in charge of a food service establishment.

FRP WALLBOARD. Fiberglass reinforced polyester wallboard with a thickness of 3/32-inch or greater.

MOBILE FOOD UNIT. A vehicle mounted food establishment which is readily moveable, and with pre-authorization from site owners, is allowed to move from one designated location to another designated location for the purpose of food sales intended for persons or employees at that specific location only. Mobile food establishments are required to meet all applicable codes as required by the city or other regulatory agencies.

PUSHCART. A non self-propelled mobile food unit limited to serving non-potentially hazardous food products of ice cream, popsicles, or other such items as authorized by the local regulatory authority.

REGULATORY AUTHORITY. The Mount Pleasant Code Enforcement Department, or as otherwise designated by the City Manager.

REGULATORY AUTHORITY INSPECTOR (INSPECTOR). A designee of the City Manager who has authority to conduct food establishment and public health inspections.

SAFE HOLDING TEMPERATURES. As applied to potentially hazardous food shall mean temperatures of 41°F or below, or temperatures of 135°F or above.

TEMPORARY FOOD SERVICE ESTABLISHMENT. A food establishment that operates for a period of no more than seven consecutive days in conjunction with an event or celebration such as: fair, grand opening, carnival, public exhibition, or similar gathering.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2005-15, passed 12-6-05; Am. Ord. 2015-1, passed 1-20-15)

§ 96.02 ADOPTION OF TEXAS FOOD ESTABLISHMENT RULES.

(A) *Texas Food Establishment Rules adopted.* The city by reference the provisions of the rules found in 25 Tex. Administrative Code, §§ 229.161 through 229.171 and §§ 229.173 through 229.175 regarding the regulation of food establishments in this jurisdiction, as said rules currently exist and as they may hereafter be amended by the Texas Board of Health. Said rules are incorporated into this chapter and for all purposes made a part hereof.

(B) *Conflicts.* In the event of any conflict between the provisions adopted in division (A) of this section and the other provisions of this chapter, the other provisions of this chapter shall prevail.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.03 PERSONNEL.

(A) *Food handler certificate.* All food handlers shall obtain and maintain a food handler certificate from a state and local approved source. The certificate earned in this course is valid for two years from the course completion date and must be available for inspection by regulatory authority. This certificate is required to work in a food service establishment.

(B) *Health card.* A health card will be issued to individuals who meet the criteria in division (B)(1) or (2) of this section. This card will be provided to individuals who are required to present a certificate verifying that a negative TB result or a statement of good health has been provided by clinic or medical facility. This card does not authorize individuals to work in food establishments. This health card will be valid for one year at which time a new health card may be obtained. The requirements for obtaining a health card will be the following:

(1) A statement from a physician or agent that the applicant has had a complete physical examination and appears to be in good health; or

(2) A statement from a physician or agent that the applicant has had a negative reaction to a PPD/Mantoux tuberculin test (TB test).

(C) *Statement and fee.* The applicant shall bring to the office of the regulatory authority a statement of the foregoing requirement and upon paying a fee of $2.00 will receive a health card valid for one year.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.031 CERTIFIED FOOD MANAGER REQUIRED ON STAFF.

(A) Each permitted food service establishment shall have at least one certified food manager on site during food service operations. Certification is obtained through successful completion of a Food Protection Management Certification course, as approved and required by the Department of State Health Services.

(B) *Responsibility, assignment.* The owner/manager of the food establishment shall be, or select a designated person to be, in charge of food service operations who must hold a current valid Certified Food Manager certificate. The Certified Food Manager shall be present at the food establishment during all hours of operation.

(1) *Certified food service managers required.* A food establishment shall employ at least one person who is a full-time, on-site supervisory employee who is responsible for food preparation and service and holds a current food service manager certification approved by the state of Texas.

(a) A food establishment is in compliance with the provisions of this section if there is one full-time certified food service manager "person in charge" on duty during all times of operation.

(b) Food establishments that serve, sell, or distribute only prepackaged foods and non-potentially hazardous beverages, and temporary food establishments are exempt from the provisions of this section.

(c) Compliance may be required of establishments having exemption if they have repeated or serious or critical food code violations, or if the establishment is judged by the Inspector to be capable of causing food borne illness.

(d) The Inspector may require additional certified operators in sufficient number to ensure that all areas of food preparation and service, during times of operation, are under the direction of certified supervisory personnel. It shall be unlawful for any person, under these conditions, owning, operating or managing a food establishment to allow said establishment to be operated with less than the required number of certified supervisory personnel.

(2) *Certified food service manager replacement.* If a food establishment cannot meet the requirements of this section because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

(a) Notify the regulatory authority within seven days of the effective date of termination or permanent transfer of the registered food service manager;

(b) Employ another registered food service manager within 30 days of the effective date of termination or permanent transfer of the previous registered food service manager; and

(c) During said 30-day compliance period, a certified owner, operator or manager shall be present at said establishment no less than 50% of the normal weekly operating hours of the establishment.

(3) *Employee responsibilities.* Required employees must possess a valid Mount Pleasant Food Handler certificate or satisfactory completion of an approved course of study in sanitary food handling within 30 days after employment in a food establishment. Every certificate issued hereunder shall remain effective for a period of two years. Persons possessing valid Certified Food Service Manager certificates shall be exempt from this requirement.

(a) Current food handler's cards and/or current food service manager certification for each employee shall be available for review by the Inspector.

(b) The Inspector may revoke food handler cards without appeal if the food handler is observed violating personal hygiene practices or is found to be incompetent in preventing food borne illness through safe food handling and preparation practices. Upon revocation, the food handler will have 30 days to attend the food handler orientation program and be issued a new food handler's card.

(Ord. 2005-15, passed 12-6-05; Am. Ord. 2015-1, passed 1-20-15)

§ 96.04 PERMITS.

(A) *Permits authorized and required.* The regulatory authority is hereby authorized to issue permits for the operation of food establishments, provided that only a person or firm that complies with the requirements of this chapter shall be entitled to receive and retain such a permit.

(1) A person may not operate a food establishment in the city without a valid permit issued by the regulatory authority.

(2) A valid permit must be posted in public view on or in every food establishment.

(3) A permit that has been revoked, that has expired, or that has lapsed for any reason is not valid.

(4) A suspended permit is not valid during the period of suspension.

(B) *Permits not transferable.* Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this chapter.

(C) *Multiple operations in single location.* If more than one food establishment is conducted in a single building or at the same address, then a separate permit shall be required for each such food establishment, regardless of whether each such food establishment is owned by the same person or by different persons.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.05 APPLICATION FOR PERMIT.

(A) *Written application.* Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain:

(1) The name and address of each applicant; and

(2) The location and type of the proposed food establishment and the applicable fee.

(B) *Denial or revocation of permit.* Failure to provide all information requested on the application form, or falsifying information required may result in denial or revocation of the permit.

(C) *Renewal of permit.* Renewals of permits are required on an annual basis and the same information is required for renewal permits as for an initial permit.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.06 REVIEW OF PLANS.

(A) *Review of plans.* Whenever a food establishment is established, constructed or extensively remodeled, and whenever an existing structure is converted to use a food establishment, properly prepared plans and specification for such establishment, construction, remodeling or conversion shall be submitted to the regulatory authority for review before work is begun.

(1) A food establishment is ***EXTENSIVELY REMODELED*** when:

(a) Fifty percent or greater of the square footage within the food preparation area is to be remodeled; or

(b) A building permit is required for work done within the food preparation area.

(2) The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities.

(3) The plans and specifications will be approved by the regulatory authority if they meet the requirements of this chapter. The establishment, construction, remodeling or conversion must be according to the plans and specifications.

(B) *Inspection.* Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the food establishment to determine compliance with the approved plans and specifications and with the requirements of this chapter.

(C) *Effect of noncompliance.*

(1) Failure to follow the approved plans and specifications or to obtain the necessary approval will result in permit denial, suspension, or revocation in accordance with the provisions of this chapter.

(2) The regulatory authority may also suspend or revoke a permit in accordance with this chapter if a food establishment that is required to be inspected under this section begins operations before passing said inspection.

(3) Suspension, revocation, or denial of a permit renewal shall not preclude the regulatory authority from taking any other enforcement action authorized by this chapter or by other law.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15) Penalty, see §96.99

§ 96.07 INSPECTIONS.

(A) *Permit inspections.* Prior to the issuance of a permit, the regulatory authority shall inspect the food establishment or proposed food establishment to determine compliance with this chapter.

(B) *Additional inspections.* Additional inspections shall be performed as often as necessary for the enforcement of this chapter. The regulatory authority shall determine the frequency of inspections to be made under this chapter in accordance with the criteria set forth in the Texas Food Establishment Rules.

(C) *Inspection based on complaint.* In addition to any other authority granted by this chapter, the regulatory authority shall have the authority to inspect a food establishment based on complaints or other credible information indicating the possibility of a violation of this chapter.

(D) *Access.* The authority of the regulatory authority to inspect a food establishment includes, without limitation, the right to access any and all parts of the food establishment and the right to view and copy any or all of the records relating to the purchase, sale, or handling of food.

(E) *Posting.* The results of the most recent inspection by the regulatory authority (including without limitation the letter grade, score, or ranking assigned to the food establishment by the regulatory authority) must be posted in public view on or in every food establishment.

(F) *Maintaining inspections reports.* Copies of all food service inspection reports including any and all notices of violations issued within the previous 12 months must be maintained on premises and be made available for review by the regulatory authority upon request.

(G) *Effect of noncompliance.* A food establishment that does not comply with this chapter will be denied a permit or the renewal of a permit or may have its permit revoked or suspended in accordance with the provisions of this chapter. Suspension, revocation, or denial of a permit or of permit renewal shall not preclude the regulatory authority from taking any other enforcement action authorized by this chapter or by other law.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.08 EXAMINATION, DETENTION, AND CONDEMNATION OF FOOD.

(A) *Examination of food.* Food may be examined, collected, or sampled by the regulatory authority as often as necessary for the enforcement of this chapter.

(B) *Issuance of detention order.* The regulatory authority may place a detention order on any food which the regulatory authority believes is in violation of any provision of this chapter. The detention order is effective upon the service of written notice to the permit holder for the food establishment at which the food is located or to the person in charge of the food.

(C) *Notice.* The written notice of a detention order must specify the reasons for the detention order. The notice must also state that a request for hearing may be filed within ten days and that if no hearing is requested, the food shall be destroyed. The regulatory authority shall tag, label or otherwise identify any food subject to the detention order. The tag, label, or other identification placed on the food by the regulatory authority must not be removed until and unless the detention order is lifted or vacated or the food is destroyed as directed by the regulatory authority.

(D) *Effect of detention order.* No food subject to a detention order shall be used, served or removed from the food establishment unless the regulatory authority gives permission to destroy the food and the food is destroyed as directed by the regulatory authority. The regulatory authority shall permit storage of the food under conditions specified in the detention order, unless storage is not possible without risk to public health, in which case immediate destruction shall be ordered and accomplished.

(E) *Hearing.* A hearing shall be held if the hearing is requested within ten days from the date on which the required notice of detention order is served. On the basis of evidence produced at the hearing, the detention order may be vacated or the permit holder or person in charge of the food may be directed by written order to destroy such food or to bring it into compliance with the provisions of this chapter.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.09 FEES.

(A) *Annual permit fee.* Any person operating a food service establishment within the corporate limits of the city shall pay a permit fee, which shall extend to December 31 of the year issued. Said permit fee may be prorated. If a permit for a permanent food service establishment is not renewed on or prior to December 31 each year, a late penalty shall be paid before the permit is reinstated.

(B) *Health department permit fees.*

Food permit (non-daycare)	$275.00
Food permit (daycare)	$150.00
Late fee	$50.00
Temporary food permit	$75.00
Copy of Texas Food Establishment Rules	$10.00
Pool (annual pools)	$200.00
Mobile food vendor	$275.00
Re-inspection	$100.00

(C) *Fee exemptions.* A food establishment operated solely by a nonprofit charity shall be exempt from the fees imposed by this section; provided, however, that such an establishment shall in all other respects be subject to the regulations and permit requirements relating to food service establishments. The regulatory authority may require any information necessary to determine whether an organization is a nonprofit charity for purposes of this exemption.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15; Am. Ord. 2018-4, passed 4-3-18; Am. Ord. 2020-18, passed 10-6-20; Am. Ord. 2023-15, passed 9-19-23)

§ 96.10 SUSPENSION OF PERMIT.

(A) *Suspension of permit.* The regulatory authority may, without warning, advance notice, or hearing, suspend any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health or if any required fee has not been paid by the appropriate deadline. Suspension is effective immediately upon service of the notice required. When a permit is suspended, food operations shall cease immediately. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within ten days of receipt of a request for a hearing.

(B) *Notice.* Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained.

(C) *Duration.* Suspension of a food permit shall continue until the regulatory authority determines, after an inspection, that the reasons for suspension no longer exist or until all required fees have been paid, as applicable.

(D) *Other remedies reserved.* Suspension of a food permit shall not preclude the regulatory authority from taking any

other enforcement action authorized by law, including without limitation the revocation of the suspended food permit.

(E) *Posting.* During the period of any permit suspension under this section, the food service establishment subject to the suspension shall post a sign clearly visible to the public outside of the establishment, which sign shall state "Closed by the Environmental Services, Food Safety Division of the City of Mount Pleasant." The regulatory authority shall have the authority to reasonably regulate the size and location of the sign and the size of the lettering thereon.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.11 REVOCATION OF PERMIT.

(A) *Revocation of permit.* The regulatory authority may, after providing opportunity for a hearing, revoke a permit for repeated or serious violations of any of the requirements of this chapter including failure to pay any required fees, or for interference with the regulatory authority in the performance of its duties.

(B) *Notice and hearing.* Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within the ten-day period, the revocation of the permit becomes final.

(C) *Other remedies reserved.* Revocation of a food permit shall not preclude the regulatory authority from taking any other enforcement action authorized by law, including without limitation the enforcement of an any criminal penalty authorized by this code.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15) Penalty, see §96.99

§ 96.12 ADMINISTRATIVE PROCESS.

(A) *Service of notice.* A notice as required in this chapter is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

(B) *Conduct of hearings.* The hearings provided for in this chapter shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

§ 96.13 FOOD TRUCKS.

Food trucks are subject to the following regulations:

(A) *Location.*

(1) All food trucks must be located on a parcel, which is appropriately zoned for commercial development.

(2) Food trucks shall be located on an individual private parcel, where an existing permanent business operates in a building with a certificate of occupancy.

(3) Food trucks shall provide the city with a copy of written permission from the property owner that allows the operation of a food truck and to allow the food truck and their customers access to a commercially plumbed public restroom on-site.

(4) (a) A food truck shall submit a site plan depicting the location of the food truck on the property; shall secure a current health food permit and inspection from the City of Mount Pleasant.

(b) Yearly health food permit fee does not include special events.

(5) Food trucks shall be located within 500 feet of an entrance of primary building that holds the certificate of occupancy.

(6) No food trucks shall be located on a vacant lot.

(7) No food trucks, their merchandise, advertising, or seating shall obscure traffic sight visibility.

(8) No food trucks operating under this regulation shall be allowed to sell or service food on any public street, sidewalk, public park, or public right-of-way unless approved in writing by the City of Mount Pleasant.

(9) Food trucks shall not operate in driveways or fire lanes.

(10) Food trucks, including any applicable seating may operate in parking spaces in a commercially zoned individual property, parcel, tract, or platted lot, if the required parking for the center remains in compliance with the parking requirements contained in the Mount Pleasant Code of Ordinances, Chapter 155, Zoning Code, § 155.47. A site plan indicating the specific location is required.

(11) Food trucks shall be removed from the parcel daily and may only operate during the business hours of the primary business and may not be parked longer than 12 hours. An exception to this requirement is allowed for the food truck parking

if the food truck is owned and operated by the primary business where it is parked and is integral to the primary business.

(12) Food trucks approved to be located in city parks must pay a fee of $50.00, obtain a permit from the Health Department, and approval from the Parks Director.

(13) All food trucks shall have two inspections annually.

(B) *Licensing.* All food trucks shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, a Texas Sales Tax Permit and meet all other state law licensing requirement. Additionally, the operator of the food truck shall provide proof of a current Texas Food Management Certificate.

(C) *Operational issues.*

(1) A drive-through is not permitted in conjunction with the food truck and shall not provide a drive-through service of any kind.

(2) Food trucks shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the food truck use by the patrons of the truck. The area around the food truck shall be kept clean and free from litter, garbage, and debris.

(3) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Mount Pleasant.

(4) Except as otherwise limited by the City of Mount Pleasant Code of Ordinances, or other city codes, a food truck may utilize outside seating consisting of a portable table and seating capacity of not to exceed four.

(5) All grease producing cooking equipment in the food unit must have a Type I hood over it with an Ansul system and current inspection.

(6) All food units utilizing oil/grease fryers must have a Class K fire extinguisher on the unit, if no grease or fryers are on the food unit, a 2A-10BC fire extinguisher is required.

(7) Portable stoves, grills or equivalents are prohibited.

(8) Grading card and health food permit must be displayed in a visible location.

(9) A food truck is defined as a vehicle, including trailers, equipped with facilities for cooking and selling food that is located on a private parcel of land, occupied by an existing business, for daily sales to the public and does not move from location to location.

(Ord. 2021-5, passed 5-18-21)

§ 96.99 PENALTY AND ENFORCEMENT.

(A) *Penalty.* Any person who violates a provision of this chapter and any person who is the permit holder of or otherwise operates a food service establishment that does not comply with the requirements of this chapter and any responsible officer of that permit holder or those persons shall be deemed guilty of a misdemeanor and shall be subject to a fine as provided in § 10.99 of this code. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) *Interference with posting.* A person commits an offense if the person removes, defaces, or makes illegible a posting or any part of a posting required by the regulatory authority and shall be subject to a fine as provided in § 10.99 of this code.

(C) *Other remedies reserved.* The imposition of penalty or injunction in accordance with this section shall not preclude the regulatory authority from taking any other enforcement action authorized by law, including without limitation, the revocation or suspension of a food permit in accordance with the requirements of this chapter.

(Ord. 2002-12, passed 2-5-02; Am. Ord. 2015-1, passed 1-20-15)

From: **Candias Webster** cwebster@mpcity.org
Subject: RE: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025
Date: November 13, 2025 at 8:28 AM
To: Kyle Moring [redacted]
Cc: Austin Beck abeck@dtrglaw.com

CW

Good morning, Kyle,

This was a joint inspection at the request of the DSHS. We walked the property with the state inspector, and this was not an annual inspection for us. The annual inspection was done in July, and the next one will be in January. The state inspector should have all the information you are looking for.

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: Kyle Moring <[redacted]>
Sent: Wednesday, November 12, 2025 3:18 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>; Rob Vine <rvine@mpcity.org>; Wesley Lyon <wlyon@mpcity.org>; [redacted]
Subject: Re: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025

CAUTION: [EXTERNAL EMAIL]

The HSCloud export and photos confirm that a walk-through occurred, but they do not include the **numeric TCS/product temperatures, instrument calibration, sink wash temperature/sanitizer readings, time in/out, or corrective actions** customary for a complaint-driven visit. Please produce those items for October 28, 2025 (or certify their non-existence) and provide native photo files with EXIF metadata. If none were taken, please explain the City's policy for measurement/verification during complaint follow-ups.

With gratitude,

Kyle Moring

[redacted] | [redacted]

On Nov 12, 2025, at 2:55 PM, Candias Webster <cwebster@mpcity.org> wrote:

Good afternoon, Kyle,

Here is the information you requested and this request is closed as of 11/12/2025

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

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: Kyle Moring <[redacted]>
Sent: Wednesday, October 29, 2025 6:46 AM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>; Rob Vine <rvine@mpcity.org>; Wesley Lyon <wlyon@mpcity.org>
Subject: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025

CAUTION: [EXTERNAL EMAIL]

Ms. Webster

Ms. Webster,

Under the Texas Public Information Act, please provide **all records** reflecting or arising from any **City** meeting or site visit with **Walmart Store #131 management** (2311 S. Jefferson Avenue, Mount Pleasant, Texas 75455) **on or about October 28, 2025** (± 3 days).

Custodians & systems to search:

- Custodians: **City Manager/Assistant City Manager; City Secretary; Building Official John Ankrum; Code Enforcement Officers; Fire Marshal; Health/Sanitarian personnel**; any other staff who scheduled/attended/approved.
- Systems: **Outlook/Exchange** (incl. .pst archives), **Teams/IM**, **text/SMS** on City-issued devices, **permit/inspection systems**, and **calendar** (.ics).

Records sought (any format):

1. **Calendars/invites/roll-call** with attendees, date/time, and location.
2. **Emails/Teams/texts** with **Walmart/Facilities Maintenance** and/or **DSHS/TCEQ/OSHA** about the meeting/visit.
3. **Field notes, inspection reports, photos/video** taken during the visit; any **letters/notices** issued; **compliance dates** set.
4. **Decisions or directives** (e.g., permit or enforcement instructions, follow-up inspections).
5. **Travel logs/timecards** identifying attending personnel.
6. Any **inter-agency communication** with **DSHS/USDA/FSIS/TCEQ/OSHA** related to this meeting.

Format & delivery:

- Electronic only; emails as **.eml/.msg** with headers/attachments; spreadsheets **.xlsx/.csv**; documents **searchable PDF**; photos in original format with metadata.
- Please retrieve any responsive records maintained by **vendors/portals** for the City, per **§ 552.002(a-1)**.
- If estimated charges exceed **$40**, provide the **§ 552.2615 itemized statement** (tasks/minutes).
- If the City intends to withhold any portion, please **seek an AG ruling** and produce all **segregable** parts.

Please include a short **search statement** (custodians/systems/date range) and provide a **target**

Please include a short **search statement** (custodians/systems/date range) and provide a **target production date**. Thank you.

With gratitude,

Kyle Moring

[redacted] | [redacted]

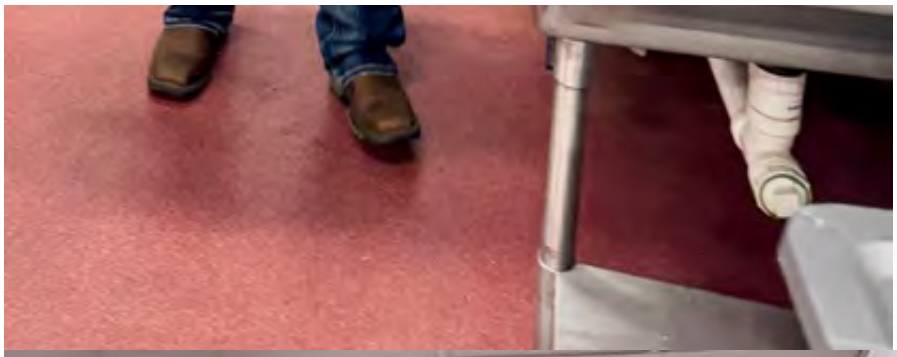





FRUITS & VEGETABLES
LOCAL
ORGANIC
46









HSCloud **City of Mount Pleasant TX**

Inspection Manager

Permit Manager

Address: 2311 S Jefferson Ave Mount Pleasant, TX 75455-6011
Permit Name: Wal-Mart Store
Permit Number: 2329
Program: Food
Permit Type: Food Establishment
Device Type:
Catalog Number:
Establishment Name: Wal-Mart
Issue Date: 12/31/2024
Expiration Date: 12/31/2025
Date License Paid: 12/19/2024
Status: Permitted
Issuance Reason:
Latest Invoice Date: 10/20/2025
Latest Invoice Number: 2242
Invoice Total: $275.00
Invoice Balance: $275.00
Owner: Wal-Mart Licensing- Grocery
Owner Address: 702 SW 8th St Stop 500NULL Bentonville AR 72716-6209
Risk:
Assigned To: Osiel Martinez
Next Routine Inspection Due: 03/16/2026
GPS: 33.13543 -94.96807
Legacy Permit Number: 2329
Complaint Number: FS-473734
Complaint Address: 2311 S Jefferson Ave Mt Pleasant TX 75455
Complaint Type: Food Service Complaint
Last Inspection Date: 10/28/2025
Score:
Address: 2311 S Jefferson Ave Mount Pleasant, TX 75455-6011

Conversations

No conversations found

Record History

10/28/2025 11:49 AM CDT - Osiel Martinez
Original record not available to compare
Comment: Record created.

Permit Name: Wal-Mart Store
Permit Number: 2329
Program: Food
Permit Type: Food Establishment
Device Type:
Catalog Number:
Establishment Name: Wal-Mart
Issue Date: 12/31/2024
Expiration Date: 12/31/2025
Date License Paid: 12/19/2024
Status: Permitted
Issuance Reason:
Latest Invoice Date: 10/20/2025
Latest Invoice Number: 2242
Invoice Total: $275.00
Invoice Balance: $275.00
Owner: Wal-Mart Licensing- Grocery
Owner Address: 702 SW 8th St Stop 500NULL Bentonville AR 72716-6209
Risk:
Assigned To: Osiel Martinez
Next Routine Inspection Due: 03/16/2026
GPS: 33.13543 -94.96807
Legacy Permit Number: 2329
Complaint Number: FS-473844
Complaint Address: 2311 S Jefferson Ave Mount Pleasant TX 75455-6011
Complaint Type: Food Service Complaint
Last Inspection Date: 10/28/2025
Score:

Required fields are marked with an asterisk *

* **Inspection Date:** 10/28/2025

* **Inspector:** Osiel Martinez

Accompanied By:

*** Purpose:** Re-Inspection

Loading Violation Checklist...

Inspection Outcome: Passed

Compliance Date: 11/07/2025

Comments: *No running hot water, violation has been addres*

No running hot water, violation has been addressed already because it is a connecting line. Make sure not to have exits covered in WIC. Multiple dented cans in grocery isle.

Legacy Inspector:

Legacy Inspection Type:

Assigned To:

Attachments

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

Name	WALMART STORES TEXAS LLC WAL MART SUPERCENTER 131	License Type	Food Manufacturer
Address	2311 S JEFFERSON MOUNT PLEASANT TX 75455	License Number	0036543
Inspection Type	Complaint/Incident	Inspection Number	310327
Inspector	BRADLEY, JONATHAN	Inspection Date	10/28/2025

NOTICE OF INSPECTIONAL OBSERVATIONS

This notice is to acknowledge that the Texas Department of State Health Services (DSHS) conducted an inspection of 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 conditions observed and noted below. These conditions are not intended to be an all-inclusive list of deficiencies at your firm. It is your responsibility to comply with all applicable state laws and regulations, including requirements associated with the labeling and advertising of products and services offered by your firm.

Observation	**Description/Notes**
1	Storage of personal items Notes: Failure of personnel to store clothing and belongings in an area where food is not exposed and equipment or utensils are not washed. Specifically, Employee jacket stored on moving cart next to donut prep table in bakery.
2	Personal food/drink/tobacco Notes: Failure of employees to restrict drinking beverages to areas where food is not exposed. Specifically, employee water bottle stored next to orange whip bag in bakery cooler.
3	Floors, walls and ceilings Notes: Failure of plant construction to allow ceilings to be kept in good repair. Specifically, bread room near loading dock doors is missing five ceiling tiles above two water heaters and Mrs. Baird bread. Work order #330033431 was placed during time of inspection.
4	Safe and adequate for use Notes: Failure to use sanitizing agents which are safe and adequate under the conditions of use. Specifically, quaternary ammonium sanitizer tested at 0ppm in three compartment sink in deli area backroom using QT-40 test strips.
5	Pest exclusion - food storage or food preparation areas Notes: Failure to exclude pests from food preparation areas. Specifically, four live flies were observed in Deli Department landing on clean stainless steel mixing bowels. Work order #330034905 placed during time of inspection.

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

6	Water - Suitable temp. and pressure Notes: Failure to provide running water at a suitable temperature for hand washing. Specifically, A) Handwashing station in the Meat Market area did not temp above 74F using state issued thermometer for 3 min. Work order #330005083 placed during time of inspection. B) Handwashing station in the Produce backroom area did not temp above 75F using state issued thermometer for 3 min. Work order #330005083 placed during time of inspection. C) Handwashing station in the Bakery area did not temp above 79F using state issued thermometer for 3 min. Work order #330005083 placed during time of inspection.
7	Testing Notes: Failure to perform chemical testing where necessary to identify sanitation failures. Specifically, Quaternary ammonium tests strips missing in deli area. Firm replaced with new quaternary ammonium test strips during inspection.
8	Physical factors, time, temperature, humidity, water activity, pH, pressure, flow rate, manufacturing operations Notes: Failure to manufacture and store foods under conditions and controls necessary to minimize allergen cross contact and contamination. Specifically, A) Unpackaged cooked sesame seed bread stored above unpackaged plain cooked bread in bakery area. Firm corrected during time of inspection. B) Cooked exposed donuts and cooked exposed bread stored on rolling racks in bakery area.

Inspector:

BRADLEY, JONATHAN

Date: 10/28/2025

Firm Representative:

Carrie Mahon

Date: 10/28/2025

No evidence of ceiling debris on the cat toys.



No evidence of ceiling debris on the dog beds



No evidence of ceiling debris on the cat toys.



Image of a new freezer bunker that was installed since the last inspection. All bunkers have been replaced with new bunkers with opening and closing lids.



There was no evidence of ceiling debris on the cat treats.



Photo showing ambient temperature of Seafood Freezer using state issued thermometer. Temperature is at 3?F.



Photo showing ambient temperature of Bakery Freezer using state issued thermometer. Temperature is at 12?F.



Photo showing ambient temperature of OPD Freezer using state issued thermometer. Temperature is at 11?F.



Photo showing external product temperature of Great value water bottles in OPD Cooler using state issued thermometer. Temperature is at 40?F.



Image showing exposed cooked bread stored on rolling racks in bakery area. Image showing cooked unpackaged sesame seed bread stored above unpackaged plain cooked bread in bakery area.



Image showing cooked exposed donuts on rolling racks in bakery area.



Photo of Walmart employee cellphone showing work order #330005083 placed for meat marker Handwash sink station, produce backroom area handwash sink station, and bakery area handwash sink station for not having running water at a suitable temperature.

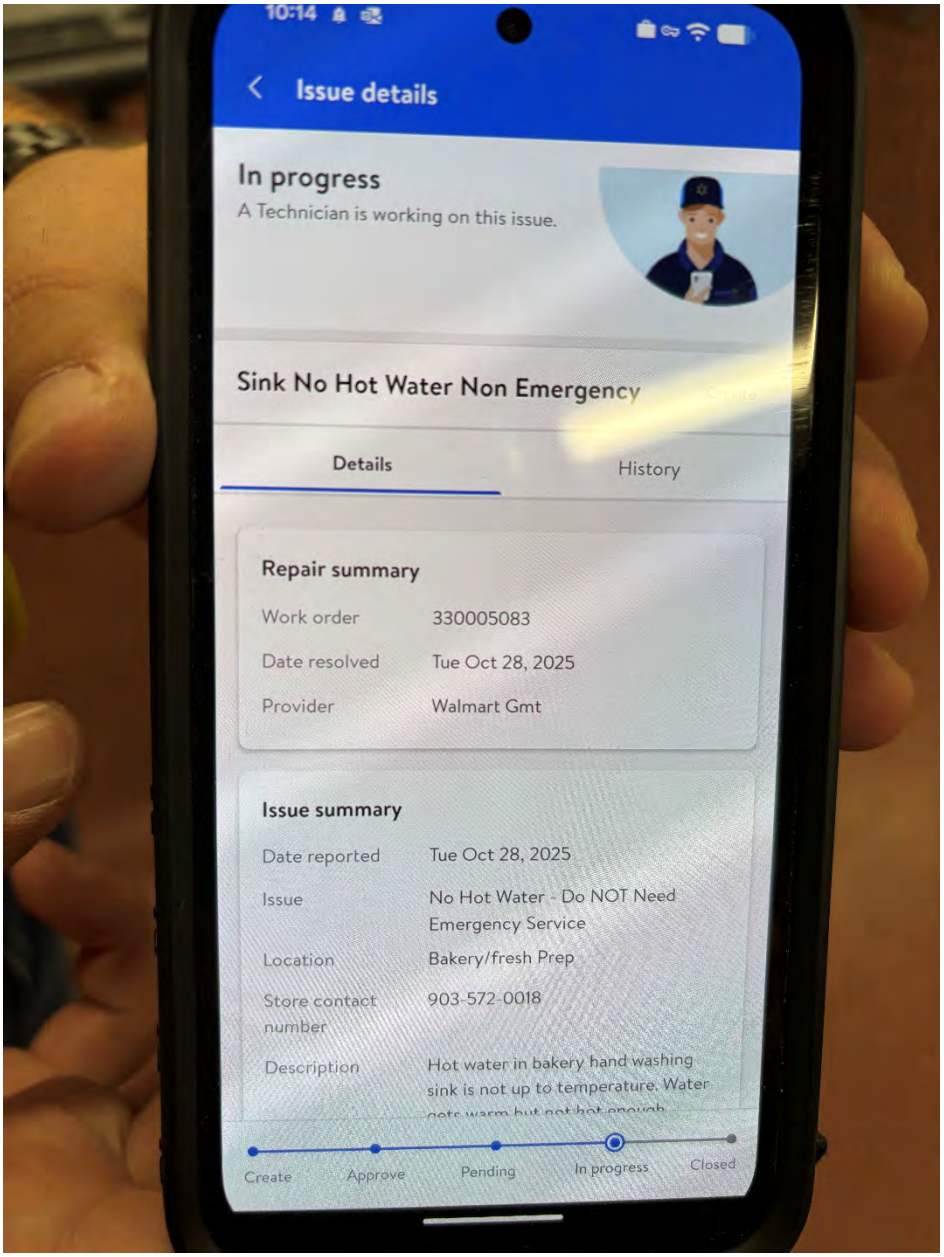


Photo showing missing ceiling tiles above Mrs. Baird bread and water heaters in bread room.



Photo of Walmart employee cellphone showing work order #330034905 placed for live flies in deli department

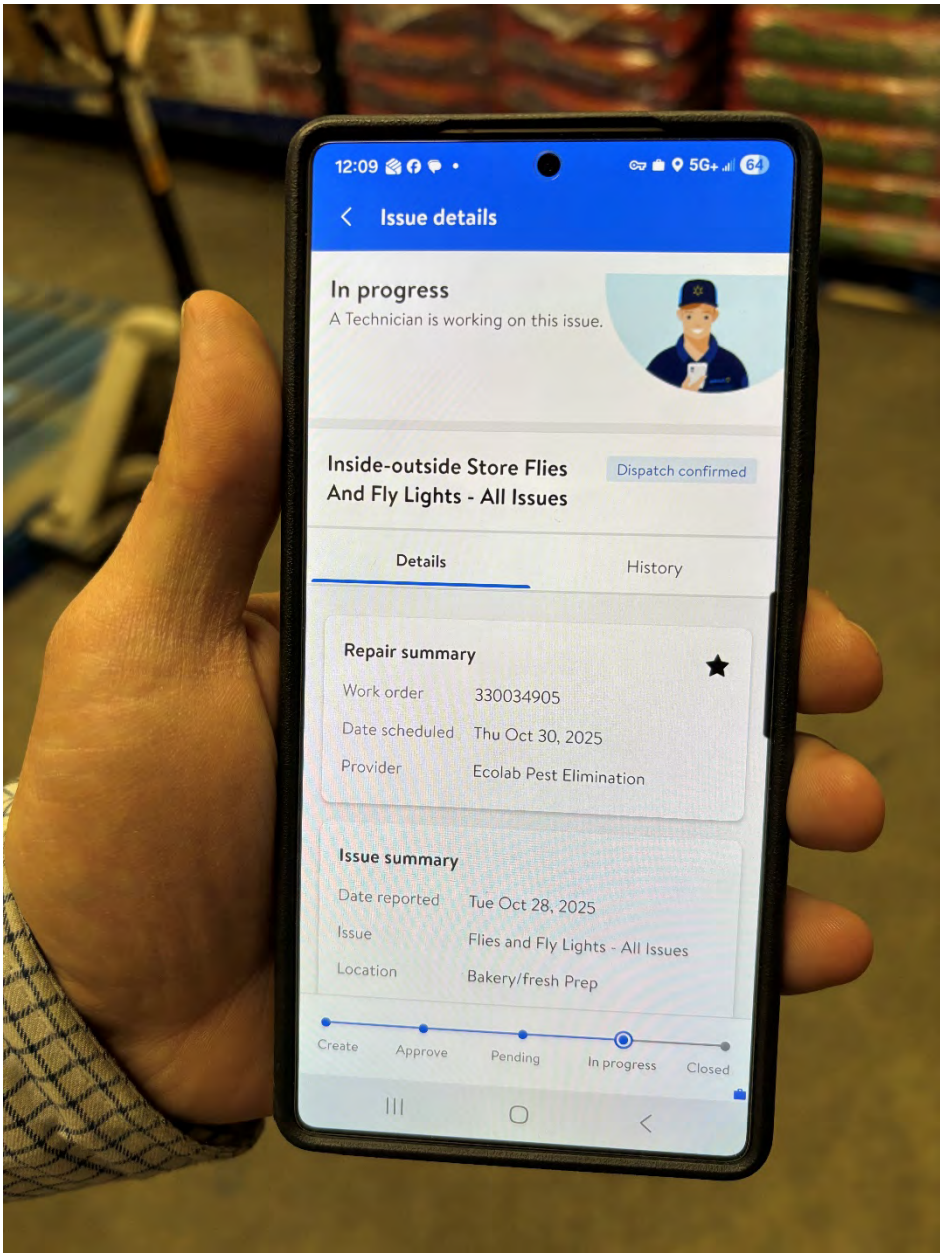


Photo of missing ceiling tiles in bread room.



Image of employee water bottle stored next to orange whip bag in bakery cooler.

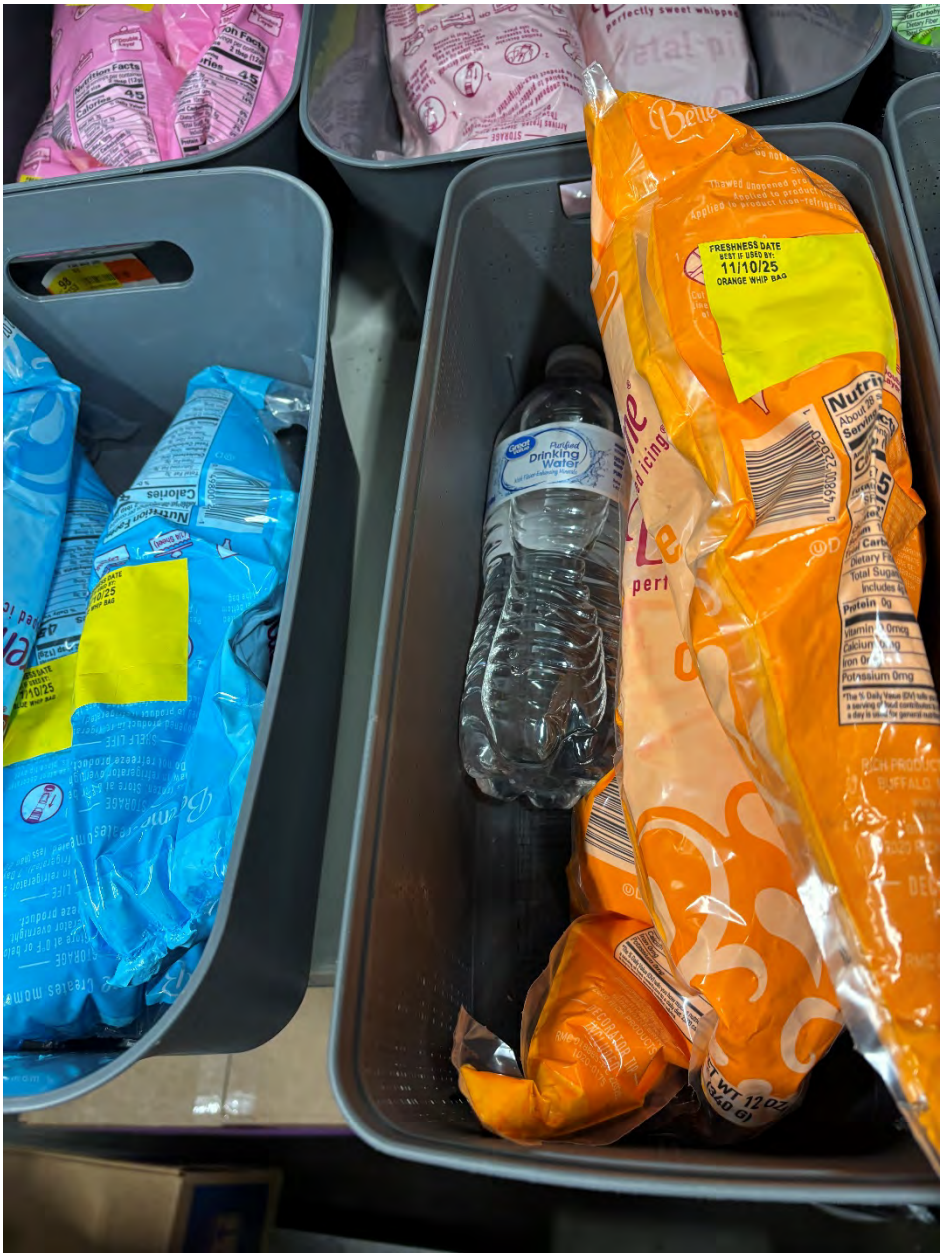


Image of Front of Firm



Photo showing external product temperature of Organic American Singles in RIC A 30 18 using state issued thermometer. Temperature is at 40?F.



Photo showing external product temperature of Bolthouse Farms Rach in produce cooler using state issued thermometer. Temperature is at 39?F.



Photo showing external product temperature of Pork Tenderloin in RIC using state issued thermometer. Temperature is at 36?F.



Photo showing external product temperature of Tri-Color Coleslaw in RIC A 36 15 using state issued thermometer. Temperature is at 40?F



Photo showing external product temperature of tofu in RIC A 36 12 using state issued thermometer. Temperature is at 39?F.



Photo showing external product temperature of gallon milk in milk cooler using state issued thermometer. Temperature is at 41?F.



Photo showing external product temperature of Orange whip bag in bakery cooler using state issued thermometer. Temperature is at 40?F.



Photo showing produce backroom area handwashing station water temperature using state issued thermometer.

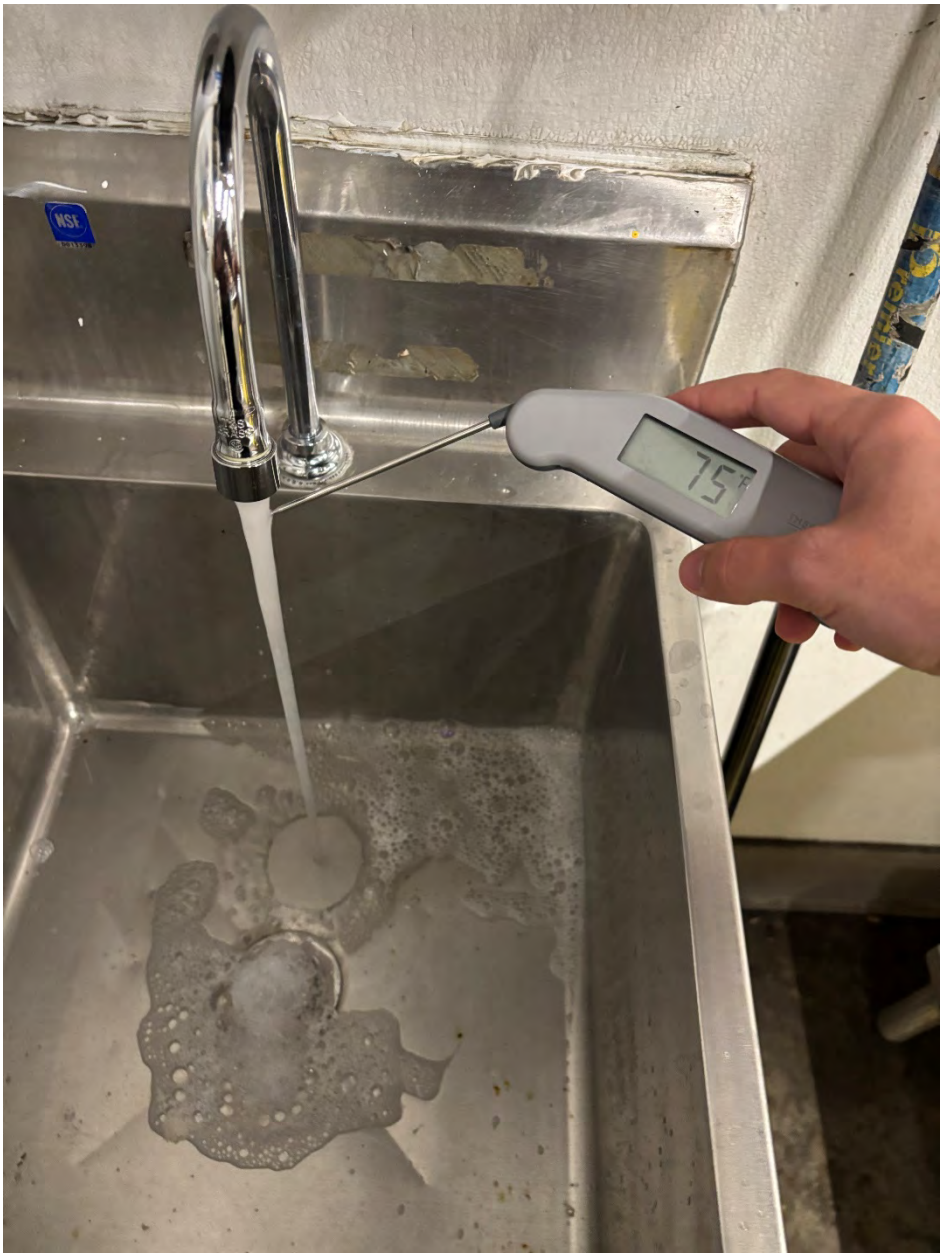


Photo showing baker area handwashing station water temperature using state issued thermometer.



Photo showing meat market handwashing station water temperature using state issued thermometer.

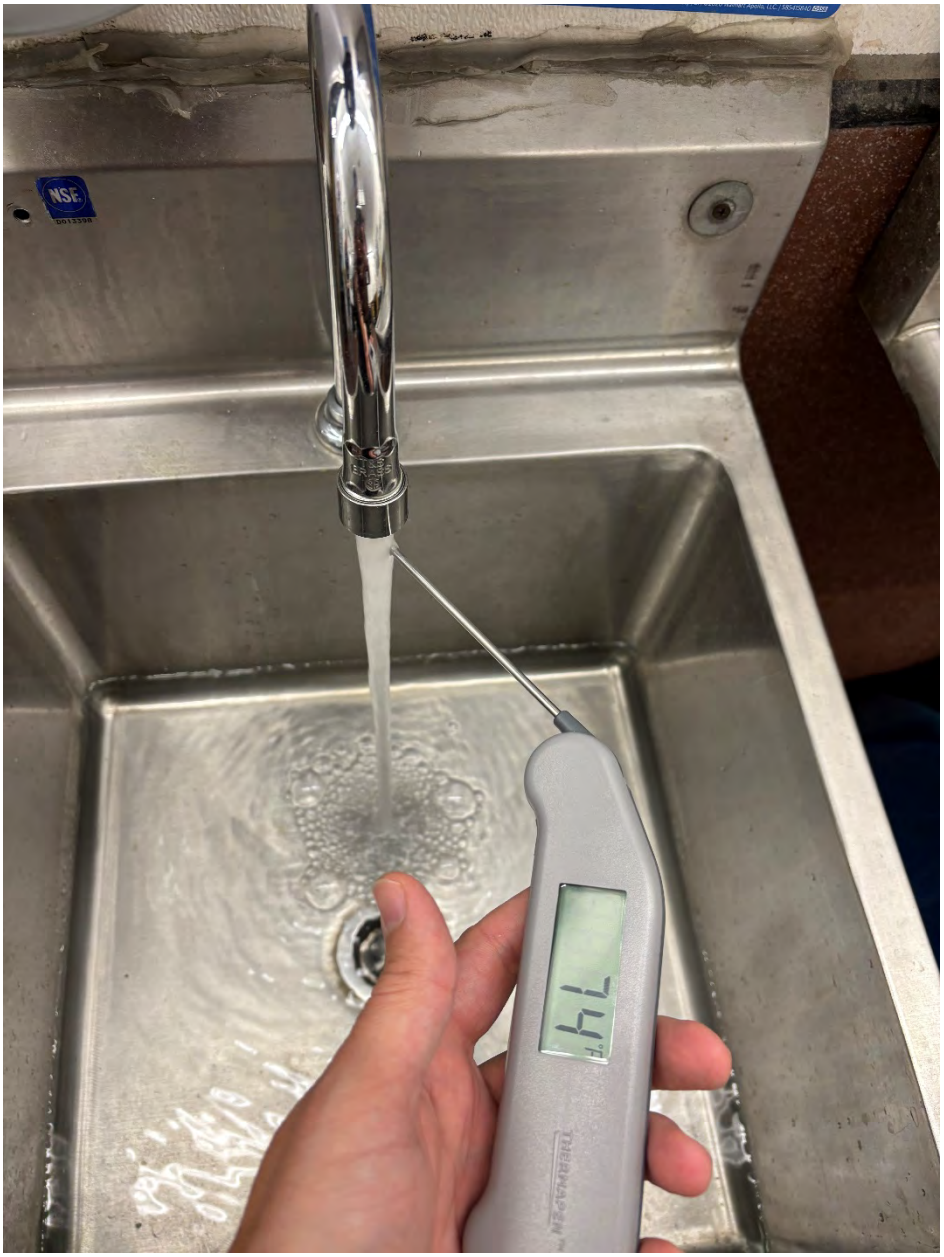


Photo of Walmart employee cellphone showing work order #330033431 placed for missing ceiling tiles in bread room.

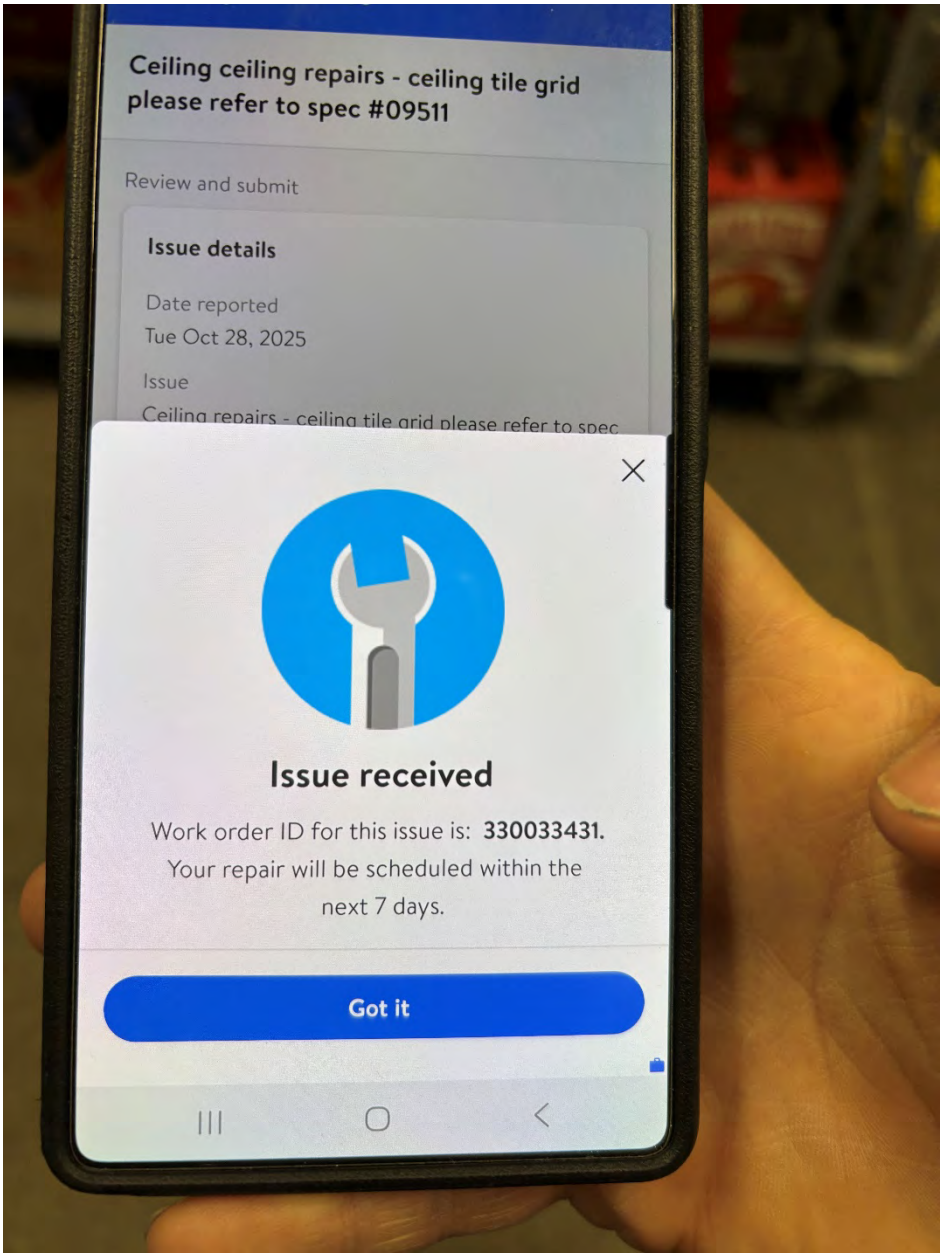


Photo of Employee jacket stored on moving cart near donut prep table in bakery.








HCR
500
R13


GRAPEFRUIT


FRUITS & VEGETABLES
LOCAL
ORGANIC
Rollback
67¢
46¢ ea.
Organic
Productos Orgánicos

From: Kyle Moring [redacted]
Subject: Re: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025
Date: November 13, 2025 at 2:10 PM
To: Candias Webster cwebster@mpcity.org
Cc: Austin Beck abeck@dtrglaw.com, rvine@mpcity.org, Wlyon@mpcity.org, [redacted]
Bcc: Kyle Moring [redacted]

Ms. Webster,

Upon reviewing the "Inspection Manager/HSCloud" report provided by the City for the **October 28, 2025,** visit to Walmart Store #131, I noticed that the second page references an additional food service complaint number, **FS-473844**, in addition to **FS-473734**.

My October 29, 2025 request already sought records for the October 28, 2025 visit and any complaint(s) and inter-agency communications related to that meeting. To ensure the scope is clear and that both complaint files are captured, please treat this as a **supplemental clarification** (not a new request) and produce records for **FS-473844** as follows:

1. **Complaint intake & classification for FS-473844**
   - Complaint intake records (online portal entries, phone logs, emails, or internal complaint forms) associated with FS-473844;
   - Any internal classification, triage notes, or routing indicating how FS-473844 was assigned (e.g., food safety, temperature, sanitation, construction, etc.);
   - Any cross-reference showing how FS-473844 relates to FS-473734 and to the October 28, 2025 visit.
2. **Inspection/field records tied to FS-473844**
   - All inspection reports, field notes, worksheets, photos, and enforcement documents (letters, correction notices, compliance deadlines, closure memos) associated with FS-473844, whether or not they are combined with or separate from FS-473734;
   - Any documentation linking FS-473844 to a specific visit date (including, but not limited to, October 28, 2025).
3. **Inter-agency communications referencing FS-473844**
   - All communications (email, letters, or memos) between the City and **DSHS, USDA/FSIS, TCEQ, OSHA, or any other state/federal agency** that reference FS-473844 or rely on that complaint number in connection with Walmart Store #131;
   - Any summary or close-out report transmitted back to DSHS or another agency that identifies FS-473844.
4. **Clarification of complaint numbering**
   - A brief explanation of how the City uses FS-numbers (e.g., "FS-xxxxxx" as a Food Service complaint identifier) and how FS-473844 and FS-473734 are related to one another and to the October 28, 2025 inspection record.

For the avoidance of doubt, this addendum is intended only to **clarify** that my existing October 29, 2025 request includes **all records associated with FS-473844**, to the same extent it encompasses FS-473734. It does not expand the subject matter beyond the October 28, 2025 visit and the related food-service complaints at Walmart Store #131.

Please produce these records electronically (searchable PDF for documents; native .msg/.eml with attachments for emails; original image files with metadata for photos). If no records exist for any of the categories above, please provide a **written certification of non-existence** for that category.

Note: For future responses, please use **"Reply All"** when responding to my emails so that all original recipients remain copied on the thread.

Thank you for your attention.

With gratitude,

Kyle Moring

[redacted]

> On Nov 13, 2025, at 10:09 AM, Kyle Moring <[redacted]> wrote:

Ms. Webster,

Thank you for your response and for providing the "Inspection Manager/HSCloud" report and photos relating to the October 28, 2025 visit to Walmart Store #131. I appreciate the prompt reply.

However, I have serious concerns about the completeness of the response and the basis for closing my **October 29, 2025** records request regarding that visit.

In my **October 29, 2025** request, I specifically asked for:

"Any inter-agency communication with DSHS/USDA/FSIS/TCEQ/OSHA related to this meeting [the October 28, 2025 visit to Walmart Store #131]."

The HSCloud report the City produced for the October 28, 2025, visit states that it was a **"complaint follow-up"** and identifies it as a **follow-up to FS-473734**. I have also been told that the visit was conducted at the **request of DSHS**.

Respectfully, there are two fundamental issues here:

1) Inter-agency communications "related to this meeting"

If the October 28, 2025 visit was in fact a **complaint follow-up** and/or conducted at the **request of DSHS** (or any other outside agency), it is difficult to reconcile that with the City's position that there are **no inter-agency communications responsive** to my request.

At minimum, one would expect there to be **some written communication or notation** (email, letter, memo, or complaint referral) referencing:

- The originating complaint (FS-473734),
- the request from DSHS (or other agency) to conduct the follow-up, and/or
- the City's report back to DSHS or another agency regarding the outcome of the October 28, 2025 visit.

If, after a good faith search, the City truly has **no written communications at all** with DSHS, USDA/FSIS, TCEQ, OSHA, or any other agency **relating to the October 28, 2025 visit or to FS-473734**, that needs to be **explicitly certified in writing**, not implied by simply closing the request. Otherwise, it appears that either:

- Responsive communications were **not searched**,
- responsive communications are being **withheld without an Attorney General ruling**, or
- the City is relying entirely on **undocumented phone conversations**, even though the inspection itself is labeled as a **complaint follow-up** to a numbered case.

For this reason, I ask that the City:

1. Re-run a targeted search for inter-agency communications relating to **FS-473734** and the **October 28, 2025**Walmart visit (including the email domains already identified: @dshs.texas.gov, @usda.gov/@fsis.usda.gov, @tceq.texas.gov, @dol.gov, and @mpcity.org); and
2. Either (a) produce any such records, or (b) provide a **formal written certification of non-existence** stating that **no written inter-agency communications exist** in the City's custody regarding the October 28, 2025 complaint follow-up inspection at Walmart Store #131.

2) Absence of documented observations for a "complaint follow-up" inspection

The HSCloud report provided for October 28 identifies the visit as a **"complaint follow-up"** (specifically referencing **FS-473734**), but the copy produced to me appears to contain **only minimal header information and photos**, with **no narrative observations, no numeric temperature measurements, no calibration checks, and no recorded violations or corrective actions** entered into the inspection system.

Your November 13, 2025 response suggests that this is sufficient documentation. Respectfully, labeling a visit as a **complaint follow-up inspection** but entering no substantive observations or measurements into the system raises serious questions about:

- The City's **documentation practices** for complaint-driven food safety inspections; and
- Whether the October 28, 2025 visit is being treated as a **"real" inspection** (with enforceable findings) or effectively as an undocumented "walk-through" despite being logged as an inspection and associated with a specific complaint file (FS-473734).

My original request on October 29, 2025, was not limited to photos. It encompassed:

- Any **field notes or inspection worksheets** used during the October 28, 2025 visit;
- Any **numeric product temperatures** taken and any **thermometer calibration verification**;
- Any **time in/time out**, route notes, and **correct-by dates** or compliance directives; and
- Any **letters or summaries** sent to DSHS or other agencies about the outcome of the complaint follow-up.

Closing the request without producing any of those items or certifying that they do not exist does not fully satisfy the City's obligations under the Texas Public Information Act.

For this reason, I request that the City:

1. Produce any **field notes, temperature logs, calibration checks, and narrative observations** associated with the October 28, 2025 inspection (including any internal worksheets not visible on the HSCloud printout); or
2. If no such documents were created, provide a **written certification** that **no narrative observations, temperature measurements, calibration checks, or enforcement notes were recorded** for the October 28, 2025 complaint follow-up inspection (FS-473734).

3) Request going forward

To avoid any further confusion, please:

- Treat the October 29, 2025 request as still **open** as to the two categories above (inter-agency communications related to the October 28, 2025 visit/FS-473734, and actual inspection observations/measurements/field notes); and
- Either produce any additional responsive information or provide the requested **category-by-category non-existence certifications** and identify any applicable records retention schedules.

If the City intends to **withhold** any responsive records, please explicitly state that and seek a timely **Attorney General ruling** as required by Chapter 552.

Thank you for your attention to these issues and for your continued cooperation.

With gratitude,

Kyle Moring

[redacted]

On Nov 13, 2025, at 8:27 AM, Candias Webster <cwebster@mpcity.org> wrote:

Good morning, Kyle,

This was a joint inspection at the request of the DSHS. We walked the property with the state inspector, and this was not an annual inspection for us. The annual inspection was done in July, and the next one will be in January. The state inspector should have all the information you are looking for.

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

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From: Kyle Moring <[redacted]>
Sent: Wednesday, November 12, 2025 3:18 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>; Rob Vine <rvine@mpcity.org>; Wesley Lyon <wlyon@mpcity.org>; [redacted]
Subject: Re: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025

management on/about October 28, 2025

CAUTION: [EXTERNAL EMAIL]

The HSCloud export and photos confirm that a walk-through occurred, but they do not include the **numeric TCS/product temperatures, instrument calibration, sink wash temperature/sanitizer readings, time in/out, or corrective actions** customary for a complaint-driven visit. Please produce those items for October 28, 2025 (or certify their non-existence) and provide native photo files with EXIF metadata. If none were taken, please explain the City's policy for measurement/verification during complaint follow-ups.

With gratitude,

Kyle Moring
[redacted] | [redacted]

On Nov 12, 2025, at 2:55 PM, Candias Webster <cwebster@mpcity.org> wrote:

Good afternoon, Kyle,

Here is the information you requested and this request is closed as of 11/12/2025

Thank you,
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Office: 903-575-4154
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Subject: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025

CAUTION: [EXTERNAL EMAIL]

Ms. Webster,

Under the Texas Public Information Act, please provide **all records** reflecting or arising from any **City** meeting or site visit with **Walmart Store #131 management** (2311 S. Jefferson Avenue, Mount Pleasant, Texas 75455) **on or about October 28, 2025** (± 3 days).

Custodians & systems to search:

- Custodians: **City Manager/Assistant City Manager; City Secretary; Building Official John Ankrum; Code Enforcement Officers; Fire Marshal; Health/Sanitarian personnel**; any other staff who scheduled/attended/approved.
- Systems: **Outlook/Exchange** (incl. .pst archives), **Teams/IM**, **text/SMS** on City-issued devices, **permit/inspection systems**, and **calendar** (.ics).

Records sought (any format):

1. **Calendars/invites/roll-call** with attendees, date/time, and location.
2. **Emails/Teams/texts** with **Walmart/Facilities Maintenance** and/or **DSHS/TCEQ/OSHA** about the meeting/visit.
3. **Field notes, inspection reports, photos/video** taken during the visit; any **letters/notices** issued; **compliance dates** set.
4. **Decisions or directives** (e.g., permit or enforcement instructions, follow-up inspections).
5. **Travel logs/timecards** identifying attending personnel.
6. Any **inter-agency communication** with **DSHS/USDA/FSIS/TCEQ/OSHA** related to this meeting.

Format & delivery:

Document delivery:

- Electronic only; emails as **.eml/.msg** with headers/attachments; spreadsheets **.xlsx/.csv**; documents **searchable PDF**; photos in original format with metadata.
- Please retrieve any responsive records maintained by **vendors/portals** for the City, per **§ 552.002(a-1)**.
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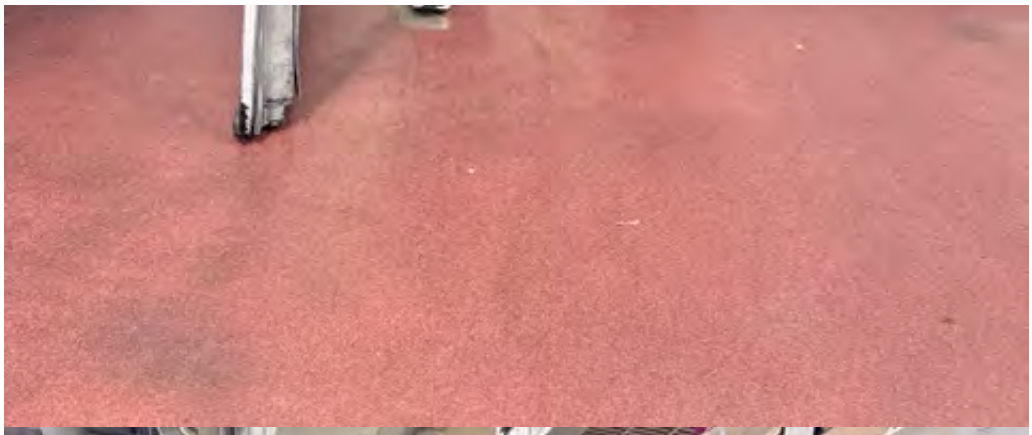
Please include a short **search statement** (custodians/systems/date range) and provide a **target production date**. Thank you.

With gratitude,

Kyle Moring

[redacted] | [redacted]








Organic









From: Kyle Moring [redacted]
Subject: Re: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025
Date: December 3, 2025 at 11:14 AM
To: Candias Webster cwebster@mpcity.org
Cc: Austin Beck abeck@dtrglaw.com, rvine@mpcity.org, Wlyon@mpcity.org, [redacted]
Bcc: Kyle Moring [redacted]

Ms. Webster,

I am following up on my November 13, 2025 supplemental clarification to my October 29, 2025 TPIA request concerning the City's October 28, 2025 site visit/complaint follow-up at Walmart Store #131. In that November 13, 2025 email, I requested that the City treat FS-473844 (referenced in the HSCloud/"Inspection Manager" export) as within the scope of the existing request and produce the related records.

Please provide a status update on the City's processing of the FS-473844 portion, including:

1. **Whether the City has opened/linked a tracking number** to the supplemental clarification (FS-473844), and the **date the City logged/recognized it for processing**.
2. **A target production date** for any responsive records.
3. **What searches have been conducted or will be conducted**, including custodians/systems/date ranges.
4. If the City contends **no responsive records exist** for any requested category, please provide a **written certification of non-existence by category** (complaint intake/classification; inspection/field records; inter-agency communications; complaint numbering explanation).
5. If the City intends to **withhold any responsive records**, please confirm whether the City will **request an Attorney General ruling**, and if so, provide the **AG tracking number** and a public copy of the submission/brief when filed.

For convenience, the specific categories requested for FS-473844 were: (a) complaint intake/classification and cross-reference to FS-473734 and the October 28, 2025 visit; (b) all inspection/field notes/worksheets/photos/enforcement documents tied to FS-473844; (c) inter-agency communications referencing FS-473844; and (d) a brief explanation of how the City uses FS complaint numbers and how FS-473844 relates to FS-473734 and the October 28, 2025 inspection record.

Please provide the response and any production electronically (including native email files with headers/attachments and original photo files with metadata where applicable), consistent with my prior request.

With gratitude,

Kyle Moring

[redacted] | [redacted]

> On Nov 13, 2025, at 2:10 PM, Kyle Moring <[redacted]> wrote:
>
> Ms. Webster,
>
> Upon reviewing the "Inspection Manager/HSCloud" report provided by the City for the **October 28, 2025,** visit to Walmart Store #131, I noticed that the second page references an additional food service complaint number, **FS-473844**, in addition to **FS-473734**.
>
> My October 29, 2025 request already sought records for the October 28, 2025 visit and any complaint(s) and inter-agency communications related to that meeting. To ensure the scope is clear and that both complaint files are captured, please treat this as a **supplemental clarification** (not a new request) and produce records for **FS-473844** as follows:
>
> 1. **Complaint intake & classification for FS-473844**
>
> · Complaint intake records (online portal entries, phone logs, emails, or internal complaint forms) associated with FS-473844;
>
> · Any internal classification, triage notes, or routing indicating how FS-473844 was assigned (e.g., food safety, temperature, sanitation, construction, etc.);
>
> · Any cross-reference showing how FS-473844 relates to FS-473734 and to the October 28, 2025 visit.
>
> 2. **Inspection/field records tied to FS-473844**
>
> · All inspection reports, field notes, worksheets, photos, and enforcement documents (letters, correction notices, compliance deadlines, closure memos) associated with FS-473844, whether or not they are combined with or separate from FS-473734;
>
> · Any documentation linking FS-473844 to a specific visit date (including, but not limited to, October 28, 2025).
>
> 3. **Inter-agency communications referencing FS-473844**

3. **Inter-agency communications referencing FS-473844**

   - All communications (email, letters, or memos) between the City and **DSHS, USDA/FSIS, TCEQ, OSHA, or any other state/federal agency** that reference FS-473844 or rely on that complaint number in connection with Walmart Store #131;
   - Any summary or close-out report transmitted back to DSHS or another agency that identifies FS-473844.

4. **Clarification of complaint numbering**

   - A brief explanation of how the City uses FS-numbers (e.g., "FS-xxxxxx" as a Food Service complaint identifier) and how FS-473844 and FS-473734 are related to one another and to the October 28, 2025 inspection record.

For the avoidance of doubt, this addendum is intended only to **clarify** that my existing October 29, 2025 request includes **all records associated with FS-473844**, to the same extent it encompasses FS-473734. It does not expand the subject matter beyond the October 28, 2025 visit and the related food-service complaints at Walmart Store #131.

Please produce these records electronically (searchable PDF for documents; native .msg/.eml with attachments for emails; original image files with metadata for photos). If no records exist for any of the categories above, please provide a **written certification of non-existence** for that category.

Note: For future responses, please use **"Reply All"** when responding to my emails so that all original recipients remain copied on the thread.

Thank you for your attention.

With gratitude,

Kyle Moring

[redacted]

> On Nov 13, 2025, at 10:09 AM, Kyle Moring <[redacted]> wrote:
>
> Ms. Webster,
>
> Thank you for your response and for providing the "Inspection Manager/HSCloud" report and photos relating to the October 28, 2025 visit to Walmart Store #131. I appreciate the prompt reply.
>
> However, I have serious concerns about the completeness of the response and the basis for closing my **October 29, 2025** records request regarding that visit.
>
> In my **October 29, 2025** request, I specifically asked for:
>
> "Any inter-agency communication with DSHS/USDA/FSIS/TCEQ/OSHA related to this meeting [the October 28, 2025 visit to Walmart Store #131]."
>
> The HSCloud report the City produced for the October 28, 2025, visit states that it was a **"complaint follow-up"** and identifies it as a **follow-up to FS-473734**. I have also been told that the visit was conducted at the **request of DSHS**.
>
> Respectfully, there are two fundamental issues here:
>
> **1) Inter-agency communications "related to this meeting"**
>
> If the October 28, 2025 visit was in fact a **complaint follow-up** and/or conducted at the **request of DSHS** (or any other outside agency), it is difficult to reconcile that with the City's position that there are **no inter-agency communications responsive** to my request.
>
> At minimum, one would expect there to be **some written communication or notation** (email, letter, memo, or complaint referral) referencing:
>
> - The originating complaint (FS-473734),
> - the request from DSHS (or other agency) to conduct the follow-up, and/or
> - the City's report back to DSHS or another agency regarding the outcome of the October 28, 2025 visit.
>
> If, after a good faith search, the City truly has **no written communications at all** with DSHS, USDA/FSIS, TCEQ, OSHA, or any other agency **relating to the October 28, 2025 visit or to FS-473734**, that needs to be **explicitly certified in writing**, not implied by simply closing the request. Otherwise, it appears that either:
>
> - Responsive communications were **not searched**,
> - responsive communications are being **withheld without an Attorney General ruling**, or
> - the City is relying entirely on **undocumented phone conversations**, even though the inspection itself is labeled as a **complaint follow-up** to a numbered case.

For this reason, I ask that the City:

1. Re-run a targeted search for inter-agency communications relating to **FS-473734** and the **October 28, 2025**Walmart visit (including the email domains already identified: @dshs.texas.gov, @usda.gov/@fsis.usda.gov, @tceq.texas.gov, @dol.gov, and @mpcity.org); and
2. Either (a) produce any such records, or (b) provide a **formal written certification of non-existence** stating that **no written inter-agency communications exist** in the City's custody regarding the October 28, 2025 complaint follow-up inspection at Walmart Store #131.

2) Absence of documented observations for a "complaint follow-up" inspection

The HSCloud report provided for October 28 identifies the visit as a **"complaint follow-up"** (specifically referencing **FS-473734**), but the copy produced to me appears to contain **only minimal header information and photos**, with **no narrative observations, no numeric temperature measurements, no calibration checks, and no recorded violations or corrective actions** entered into the inspection system.

Your November 13, 2025 response suggests that this is sufficient documentation. Respectfully, labeling a visit as a **complaint follow-up inspection** but entering no substantive observations or measurements into the system raises serious questions about:

- The City's **documentation practices** for complaint-driven food safety inspections; and
- Whether the October 28, 2025 visit is being treated as a **"real" inspection** (with enforceable findings) or effectively as an undocumented "walk-through" despite being logged as an inspection and associated with a specific complaint file (FS-473734).

My original request on October 29, 2025, was not limited to photos. It encompassed:

- Any **field notes or inspection worksheets** used during the October 28, 2025 visit;
- Any **numeric product temperatures** taken and any **thermometer calibration verification**;
- Any **time in/time out**, route notes, and **correct-by dates** or compliance directives; and
- Any **letters or summaries** sent to DSHS or other agencies about the outcome of the complaint follow-up.

Closing the request without producing any of those items or certifying that they do not exist does not fully satisfy the City's obligations under the Texas Public Information Act.

For this reason, I request that the City:

1. Produce any **field notes, temperature logs, calibration checks, and narrative observations** associated with the October 28, 2025 inspection (including any internal worksheets not visible on the HSCloud printout); or
2. If no such documents were created, provide a **written certification** that **no narrative observations, temperature measurements, calibration checks, or enforcement notes were recorded** for the October 28, 2025 complaint follow-up inspection (FS-473734).

3) Request going forward

To avoid any further confusion, please:

- Treat the October 29, 2025 request as still **open** as to the two categories above (inter-agency communications related to the October 28, 2025 visit/FS-473734, and actual inspection observations/measurements/field notes); and
- Either produce any additional responsive information or provide the requested **category-by-category non-existence certifications** and identify any applicable records retention schedules.

If the City intends to **withhold** any responsive records, please explicitly state that and seek a timely **Attorney General ruling** as required by Chapter 552.

Thank you for your attention to these issues and for your continued cooperation.

With gratitude,

Kyle Moring

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Good morning, Kyle,

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Subject: Re: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025

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The HSCloud export and photos confirm that a walk-through occurred, but they do not include the **numeric TCS/product temperatures, instrument calibration, sink wash temperature/sanitizer readings, time in/out, or corrective actions** customary for a complaint-driven visit. Please produce those items for October 28, 2025 (or certify their non-existence) and provide native photo files with EXIF metadata. If none were taken, please explain the City's policy for measurement/verification during complaint follow-ups.

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Ms. Webster,

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Custodians & systems to search:

- Custodians: **City Manager/Assistant City Manager; City Secretary; Building**

Official John Ankrum; Code Enforcement Officers; Fire Marshal; Health/Sanitarian personnel; any other staff who scheduled/attended/approved.

- Systems: **Outlook/Exchange** (incl. .pst archives), **Teams/IM**, **text/SMS** on City-issued devices, **permit/inspection systems**, and **calendar** (.ics).

Records sought (any format):

1. **Calendars/invites/roll-call** with attendees, date/time, and location.
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Format & delivery:

- Electronic only; emails as **.eml/.msg** with headers/attachments; spreadsheets **.xlsx/.csv**; documents **searchable PDF**; photos in original format with metadata.
- Please retrieve any responsive records maintained by **vendors/portals** for the City, per **§ 552.002(a-1)**.
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- If the City intends to withhold any portion, please **seek an AG ruling** and produce all **segregable** parts.

Please include a short **search statement** (custodians/systems/date range) and provide a **target production date**. Thank you.

With gratitude,

Kyle Moring

[redacted] | [redacted]

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<image002.jpg>
<image003.jpg>
<image004.jpeg>
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From: **Candias Webster** cwebster@mpcity.org
Subject: RE: TPIA Request — Records re City meeting/visit with Walmart #131 management on/about October 28, 2025
Date: November 12, 2025 at 2:55 PM
To: Kyle Moring [redacted]
Cc: Austin Beck abeck@dtrglaw.com

CW

Good afternoon, Kyle,

Here is the information you requested and this request is closed as of 11/12/2025

Thank you,
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Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
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4. **Decisions or directives** (e.g., permit or enforcement instructions, follow-up inspections).
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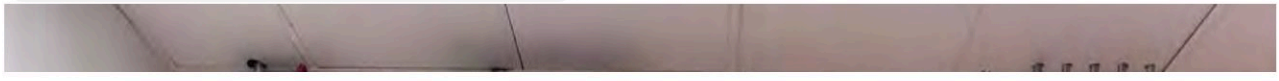
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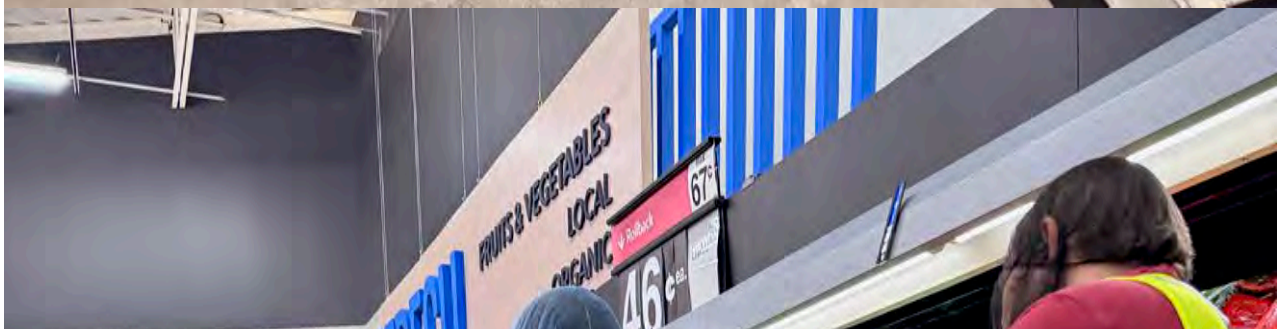
Inspection Manager _ City of Mount Pleasant TX _ HSCloud.pdf




HCR
500




GRAPEFRUIT


FRUITS & VEGETABLES
LOCAL
ORGANIC
Rollback
67¢
46¢


Organic

