From: **Stifflemire,Sofia (DSHS)** Sofia.Stifflemire@dshs.texas.gov
Subject: RE: Walmart #131 (Mount Pleasant) — Non-Abatement Oct 3–9, 2025: Infant Formula Dent + Sanitation/Drainage Issues — Re-inspection or New Cases & Closure Rationale
Date: October 14, 2025 at 12:59 PM
To: Kyle Moring [redacted]
Cc: Woznicki,Lori (DSHS) Lori.Woznicki@dshs.texas.gov, Williams,Joe (DSHS) Joe.Williams@dshs.texas.gov, Stifflemire,Sofia (DSHS) Sofia.Stifflemire@dshs.texas.gov

SS

Good afternoon Mr. Morning,

Thank you for clarifying the involvement of federal agencies.

For your questions below, please send them to the following email address: openrecords@dshs.texas.gov.

This email is the official channel for all open records requests, ensuring that all communications are accurately tracked.

Thank you,

Sofia Stifflemire, MBA, R.S.
Food and Drug Section Director
Consumer Protection Division
Texas Department of State Health Services
(w) 512-963-7806
Sofia.stifflemire@dshs.texas.gov

From: Kyle Moring [redacted]
Sent: Monday, October 13, 2025 11:05 AM
To: Stifflemire,Sofia (DSHS) <Sofia.Stifflemire@dshs.texas.gov>
Cc: Ressler,Lewis (DSHS) <Lewis.Ressler@dshs.texas.gov>; Woznicki,Lori (DSHS) <Lori.Woznicki@dshs.texas.gov>; Williams,Joe (DSHS) <Joe.Williams@dshs.texas.gov>; Guzman,Jason J (DSHS) <Jason.Guzman@dshs.texas.gov>; Anguiano,Mari (DSHS) <Mari.Anguiano@dshs.texas.gov>
Subject: Re: Walmart #131 (Mount Pleasant) — Non-Abatement Oct 3–9, 2025: Infant Formula Dent + Sanitation/Drainage Issues — Re-inspection or New Cases & Closure Rationale

Director Stifflemire,

Thank you for your prompt response. You indicate that, because federal agencies are involved, DSHS will keep Complaint #1524250148 closed and await communication from those agencies to avoid interference or delay.

Respectfully, the active federal matters involve workplace safety/retaliation, not retail food compliance. The hazards I reported—infant formula container integrity, cold-holding (TCS), sanitation/drainage, food–toxic co-merchandising, and an inoperative customer-facing temperature display (PRF)—are retail food issues within DSHS' ordinary authority under the Texas Food Establishment Rules, and they do not conflict with OSHA or FSIS investigations. Notably, the City's September 16, 2025 visit was conducted at DSHS' direction following an FSIS referral; federal coordination has facilitated, not precluded, state/local action. Retail food oversight in Texas lies with DSHS/local health under 25 TAC Ch. 228; given possible delays in federal communications

during the current funding lapse, I ask DSHS to proceed now within its authority.

For the record, I renew the specific requests from my October 09, 2025 email:

1. **Closure criteria and record basis**

Please provide the policy/SOP criteria DSHS applied to keep Complaint #1524250148 closed "at this time," and identify the records DSHS reviewed to reach that decision (including any City-supplied evidence).

2. **September 16, 2025 documentation (temperatures & calibration)**

Please state whether numeric product/case temperatures and thermometer-calibration verification exist for the September 16, 2025 follow-up that the City reported as "no violations."

- If they **exist**, please obtain/retain them in the firm file;

- If they **do not**, please **certify non-existence** and **annotate the firm file** to ensure the City's "no violations" conclusion is not treated as verified without supporting evidence.

3. **DSHS action now — re-inspection or new DSHS complaints**

Based on continued non-abatement documented October 03–13, 2025, please either re-open #1524250148 or open new DSHS complaints now (with case numbers) for:

- **Infant formula:** dented Enfamil Gentlease can at the rim/seam (October 8-13, 2025).

  Requested: Immediate embargo/shelf-wide audit and disposition/re-training documentation.

- **Service Desk/return-to-floor tote area:** Open refuse beside food totes, uncovered/loosely covered product(10/04 → 10/07 → 10/08)

  Requested: Covered refuse away from food-tote lines, separation of "claims", documented sanitation with verification.

- **Refrigeration/drainage/sanitation:** Pooling at case bases, absorbent socks, open floor opening near refrigerated equipment (October 08-13, 2025).

  Requested: Drain repair/covering; sealing penetrations/joints; removal of absorbents; deep cleaning; verify TCSvia numeric temperatures & calibration.

- **Garden Center: Spices/seasonings merchandised among pesticides/larvicides/glue traps** on the same shelving in an open-air zone (October 08, 2025).

  Requested: Immediate removal/embargo; shelf-wide audit; planogram/SOP change prohibiting food–toxic co-merchandising and food placement in open-air garden zones.

- **Additional equipment non-conformance (KE2 Case Control Alarm):** A refrigerated TCS case has displayed a PRF communications alarm continuously from August 31, 2025, to October 13, 2025 (43 days). While PRF is not a high-temperature alarm, it disables the customer-facing indicator/alarm, defeating the requirement for an integral, easily viewable thermometer at the unit and undermining monitoring.

  Requested: Immediate repair or an interim, affixed indicator/data-logger at the warmest point;

provide time-stamped temperature records (EMS/BMS trends or logs) to demonstrate continuous control, and embargo/discard where control cannot be shown.

4. **Plan, timeline, and point of contact**

- Please provide a point of contact, and a plan/timeline (within five business days) indicating whether DSHS will re-inspect or open the new state complaints listed above (with case numbers) or, alternatively, explain precisely what state actions would "interfere" with active federal investigations into workplace safety/retaliation so that we can deconflict.

- I will supply original photo/video files (with metadata) on request and will cooperate fully with any inspection. For transparency, I will share DSHS's plan/timeline with my state legislators in a separate thread.

Respectfully submitted in good faith,
/s/ Kyle Douglas Moring
Kyle Douglas Moring, M.S., LPC Associate
Former Asset Protection Investigator — Walmart Store #131
Designated Representative of Current Walmart Store #131 Employees
[redacted]

On Oct 13, 2025, at 9:34 AM, Stifflemire,Sofia (DSHS) <Sofia.Stifflemire@dshs.texas.gov> wrote:

Good morning Mr. Moring,

Since there are federal agencies involved, DSHS will uphold the decision to keep the complaint closed and await communication from the federal agencies to avoid interference or delay in any federal investigations.

Thank you,

Sofia Stifflemire, MBA, R.S.
Food and Drug Section Director
Consumer Protection Division
Texas Department of State Health Services
(w) 512-963-7806
Sofia.stifflemire@dshs.texas.gov

From: Kyle Moring [redacted]
Sent: Thursday, October 9, 2025 4:17 PM
To: Stifflemire,Sofia (DSHS) <Sofia.Stifflemire@dshs.texas.gov>
Cc: Ressler,Lewis (DSHS) <Lewis.Ressler@dshs.texas.gov>; Woznicki,Lori (DSHS) <Lori.Woznicki@dshs.texas.gov>; Williams,Joe (DSHS) <Joe.Williams@dshs.texas.gov>; Guzman,Jason J (DSHS) <Jason.Guzman@dshs.texas.gov>; Anguiano,Mari (DSHS) <Mari.Anguiano@dshs.texas.gov>

Subject: Walmart #131 (Mount Pleasant) — Non-Abatement Oct 3–9, 2025: Infant Formula Dent + Sanitation/Drainage Issues — Re-inspection or New Cases & Closure Rationale

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Director Stifflemire,

Thank you for your response. I am the Designated Representative for current employees at Walmart Store #131(authorizations on file). I continue to document daily food-safety hazards, and I am requesting DSHS action in light of your determination to keep Complaint #1524250148 closed.

1. **Rationale and criteria**

Please provide the **policy/SOP criteria** DSHS applied to determine that the complaint does not "warrant further Department intervention at this time," and identify the **specific records** DSHS reviewed in reaching that conclusion.

2. **Record adequacy for the September 16, 2025 visit**

- Please state whether numeric temperature measurements and thermometer-calibration verification exist for the September 16, 2025 follow-up, the City reported as "no violations."
- If they exist, please obtain them and place them in the DSHS firm file.
- If they do not, please certify non-existence and annotate the firm file to ensure the City's "no violations" conclusion is not treated as verified without supporting evidence.

3. **Re-inspection or new complaints for continued non-abatement (October 03–08, 2025)**

Based on documented conditions, October 03–09, 2025, please either reopen Complaint #1524250148 or open new complaints for the following hazards:

- **Infant formula (October 08-09, 2025):** Enfamil Gentlease can with a deep dent at the rim/seam on the sales shelf.

  Requested action: Immediate embargo/shelf-wide audit and disposition/re-training documentation.

- **Service Desk /return-to-floor tote area (10/04 → 10/07 → 10/08):** Open refuse and "claims" totes staged beside food totes; uncovered/loosely covered product on racks.

  Requested action: Covered refuse located away from food-tote lines; physical separation of "claims" from clean totes; documented sanitation with DSHS verification.

- **Refrigeration/drainage/sanitation (October 08, 2025):** Pooling at case bases, absorbent socks beneath refrigerated cases, and an open floor opening near

refrigerated equipment.

Requested action: Drain repair/covering; sealing penetrations/joints; removal of absorbents; deep cleaning; and TCS verification via numeric product/case temperatures and calibration checks.

- **Garden Center (October 08, 2025):** Spices/seasonings merchandised among pesticides/larvicides/glue traps on the same shelving in an open-air zone; same planogram persisted later the same day.

  Requested action: Immediate removal/embargo; shelf-wide audit; and planogram/SOP change prohibiting food–toxic co-merchandising and food placement in open-air zones.

4. **Plan and timeline**

Please provide a brief action plan (re-inspection vs. new cases) and a timeline for response. If new complaints are opened, kindly provide the new DSHS complaint numbers.

Context and parallel coordination

There is an active OSHA Enforcement inspection at this store. I have also corresponded with Mari Anguiano and Jason Guzman (DSHS) and Doug Noveroske (USDA/FSIS) regarding FSIS complaint 07-20-2025-001917 (mine) and eCCF 09-16-2025-002459 (filed by another consumer, incident date September 02, 2025. In addition, there is an active TDLR CEO complaint regarding City code enforcement officers. I will furnish original photos/videos (with metadata) upon request and will cooperate fully with any inspection.

For transparency, I have contacted Representative Cole Hefner and Senator Bryan Hughes to request oversight and coordination regarding these issues with DSHS and the City of Mount Pleasant.

Link to documented observations (September 16 – October 9, 2025):





Adobe Acrobat - Store 131 - Continued Non-Abatement (Sept 17-Oct 09).pdf
acrobat.adobe.com

Please also see the attached evidence binder PDF submitted with this email.

Respectfully submitted in good faith,

/s/ Kyle Douglas Moring

Kyle Douglas Moring, M.S., LPC Associate

Former Asset Protection Investigator — Walmart Store #131

Designated Representative for Current Employees of Walmart Store #131

[redacted]

On Oct 9, 2025, at 2:02 PM, Stifflemire,Sofia (DSHS) <Sofia.Stifflemire@dshs.texas.gov> wrote:

Good afternoon Mr. Moring,

Thank you for your email and the information you have provided to the Department. We have reviewed the complaint investigation findings as well as the documentation you submitted. After careful consideration, we have determined that Complaint #1524250148 does not warrant further Department intervention at this time and will remain closed.

Thank you,

Sofia Stifflemire, MBA, R.S.
Food and Drug Section Director
Consumer Protection Division
Texas Department of State Health Services
(w) 512-963-7806
Sofia.stifflemire@dshs.texas.gov

From: Kyle Moring [redacted]
Sent: Sunday, September 7, 2025 1:16 PM
To: Stevenson,Timothy (DSHS) <Timothy.Stevenson@dshs.texas.gov>; Drews,Chris (DSHS) <Chris.Drews@dshs.texas.gov>
Cc: Ressler,Lewis (DSHS) <Lewis.Ressler@dshs.texas.gov>; Martinez,Eric (DSHS) <Eric.Martinez1@dshs.texas.gov>
Subject: Supervisory Review Requested – New Evidence (9/2–9/7) Contradicts City 8/25 "No Violations" – Walmart #131 | Complaint #1524250148

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Good afternoon,

I am requesting supervisory review/reconsideration of the closure of Complaint #1524250148 (Walmart Store #131, Mount Pleasant). After DSHS closed the complaint and referred follow-up to the City, I obtained new evidence (September 2 – September 7, 2025) showing recurrent pooling at the new bunker/reach-ins and unsafe/unsecured floor openings under the dairy lineup—directly contradicting the City's August 25, 2025 letter ("no violations/all corrected") for which no field documentation has been produced. For this reason, I respectfully ask DSHS to retain lead and schedule a state re-inspection, with product probe temperatures, verification of air-gapped, grated floor sinks (not cleanouts), drain pitch/heat-tape/case-level/defrost commissioning, and appropriate embargo/restrictions where TCS foods exceed 41°F. I am copying Mr. Ressler and Mr. Martinez and attaching the September 2 – September 7, 2025 evidence and the City's August 25, 2025 letter for the file.

Timeline (condensed):

- July 28, 2025 – DSHS Insp. #308620: “Voluntary Action – No Warning”; referral to City on August 19, 2025.
- August 20, 2025 – City follow-up (per DSHS direction).
- August 25, 2025 – City letter (Ramirez) asserts no violations / all corrected (no field documentation provided).
- September 2 – September 7, 2025 – My evidence shows:
    - Recurrent pooling on walking surfaces along “new” bunker/reach-in cases (cones/absorbent socks used; source not controlled).
    - Two different receptor hazards under the dairy bunker line:
        - § September 2, 2025 video shows a loose cover that flips open; September 6, 2025 photos show a separate opening fully uncovered.
    - September 6, 2025 – Active roof leak in Electronics (fresh water on the floor by electrical merchandise).
    - Aisle obstructions/unsafe storage observed September 3 – September 6, 2025 – (context for employee/customer exposure).
    - September 7, 2025 – Fresh pooling again at the same lineup (issue persists).

Requested Actions

1. Reopen Complaint #1524250148, have DSHS retain the lead, and schedule a DSHS-led re-inspection (date-certain).
2. At re-inspection, please:
    - Take product probe temperatures (not just dial/air) for TCS foods in affected cases and review temp/alarm logs since install;
    - Inventory every receptor along the dairy bunker lineup and verify air-gapped, grated floor sinks (not cleanouts), secure covers, sanitation, and proper condensate/defrost routing, drain pitch, heat tape (if applicable), case leveling, and defrost configuration/commissioning;
    - Verify the overhead column above the lineup is sealed/finished to prevent dust/condensate;
    - Where appropriate, apply embargoes or restrictions if TCS items exceed 41°F or contamination persists.
3. Obtain the City’s complete August 20, 2025 inspection file (time

3. Obtain the City's complete August 26, 2025 inspection file (time in/out, route, photos, notes, "corrected on site" documentation) and add it to the DSHS case; provide a PDF copy to me.

4. Please identify the SOP/policy used to close/transfer this complaint to the City and the criteria for reopening when post-inspection evidence shows non-abatement/contradictory local findings.

Attachments (single PDF binder):

- **2025-08-20 - City of Mount Pleasant - Code Enforcement Case Record Summary.pdf**
- **2025-08-25 - City of Mount Pleasant - Inspection Letter.pdf** (City letter**,** August 25, 2025, "no violations/all corrected")
- **2025-09-02 - Store 131 - Safety Concerns (Drain)-1.pdf (**photos of loose cover on drain in Dairy Department, video available upon request)
- **2025-09-02 – Store 131 – Refrigeration Concerns (1)-1.pdf** (pooling at bunker bases)
- **2025-09-03 – Store 131 – Refrigeration Concerns (1).pdf** (repeat pooling)
- **2025-09-06 – Store 131 – Refrigeration Concerns (1).pdf** (additional pooling at bunker/reach-in)
- **2025-09-06 – Store 131 – Safety Concerns (Drain)-1.pdf** (different opening in Dairy Department fully uncovered)
- **2025-09-06 – Store 131 – Roof Leak (Electronics)-1.pdf** (continued roof leaks observed in store)
- **2025-09-07 – Store 131 – Refrigeration Concerns.pdf** (continued pooling of water at bunker bases)

Please confirm receipt of this communication. Additional evidence available upon request.

Respectfully submitted in good faith,

/s/ Kyle Douglas Moring

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

Former Asset Protection Investigator — Walmart Store #131

Designated Representative of Walmart Store #131 Current Employees

OSHA Whistleblower Complaint No. 301053630

[redacted]

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