From:	Debra Knight
To:	Kyle Moring
Cc:	Kelley Stalder; Christopher Rusche; Chuck Allen; lmcrae@mpcity.org; mpfd@mpcity.org
Subject:	RE: Request for Administrative Review and Oversight Guidance – Prior Submission re: Walmart Supercenter #131 (Mount Pleasant, TX)
Date:	Wednesday, January 14, 2026 12:58:19 PM
Attachments:	image001.png

Thank you for your follow-up email.

As explained in my prior correspondence, where a municipality has adopted a fire code and designated a local fire official, SFMO does not function as a reviewing or supervisory authority over local enforcement decisions. SFMO does not intervene based on disagreements regarding how a local AHJ applies or enforces its adopted code.

SFMO reviews all complaints it receives to determine whether the information presented identifies a condition that could warrant an extraordinary exercise of authority under Chapter 417. This review is limited and does not include re-inspections, monitoring local enforcement activity, or evaluating the adequacy or timeliness of a local jurisdiction's response.

Your correspondence raises questions regarding statutory interpretation and application. While I understand the request for clarification, SFMO cannot provide legal advice or formal interpretations of Chapter 417 or evaluate the sufficiency of local enforcement actions.

Consistent with this role, the materials you submitted were referred to the City of Mount Pleasant as the appropriate AHJ. Any inspections, enforcement actions, or responses are within that jurisdiction's authority and records. SFMO has not opened a separate enforcement matter.

For any additional questions regarding inspection status, enforcement actions, or follow-up at this location, you may wish to continue working directly with the City of Mount Pleasant and its designated fire officials.

Debra Knight
Texas State Fire Marshal
Department of Insurance
Mobile 512.567.8482
Email Debra.Knight@tdi.texas.gov

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From: Kyle Moring
Sent: Tuesday, January 13, 2026 9:36 PM
To: Debra Knight <Debra.Knight@tdi.texas.gov>
Cc: Kelley Stalder <Kelley.Stalder@tdi.texas.gov>; Christopher Rusche <Christopher.Rusche@tdi.texas.gov>; Chuck Allen <Chuck.Allen@tdi.texas.gov>; lmcrae@mpcity.org; mpfd@mpcity.org
Subject: Re: Request for Administrative Review and Oversight Guidance – Prior Submission re: Walmart Supercenter #131 (Mount Pleasant, TX)

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Fire Marshal Knight:

Thank you for your response dated December 30, 2025, regarding my request for administrative review and oversight guidance concerning documented fire and life-safety concerns at Walmart Store #131. I appreciate your explanation of SFMO's statutory framework and the City's role as the local Authority Having Jurisdiction (AHJ).

I am writing to respectfully request reconsideration of the matter to the extent permissible and, at a minimum, formal clarification regarding SFMO's interpretation of the relevant provisions of Texas Government Code Chapter 417 and the processes SFMO uses when a local AHJ has been notified repeatedly, yet documented hazards appear to recur or remain unresolved. I understand SFMO's position that it generally does not override local code enforcement decisions in incorporated municipalities; my request is for clarification of the applicable legal standards and the practical escalation pathways available in such circumstances.

For transparency, I am copying MPFD recipients on this correspondence because the questions below concern SFMO's process when a referred matter does not receive a local response.

I. Clarification of "Adopted and Is Enforcing" (Texas Gov't Code §§417.008 and 417.0081)

Your response referenced Texas Government Code §§417.008 and 417.0081 in describing the circumstances under which a municipality is the primary AHJ where a local fire code has been adopted and is being enforced by a designated local fire official.

Based on the record I submitted (Evidence Binder previously provided to SFMO), I remain concerned about whether the "is enforcing" condition is being satisfied in practice at this location. By way of summary, the binder documents (among other items):

- MPFD documented deficiencies on September 11, 2024, that were described as not corrected upon a later revisit on December 03, 2024, including (a) a required "(explosive) placard" on the firearms/ammunition storage room door and (b) a sprinkler discharge/coverage concern associated with storage configuration.

- A recurring pattern of ceiling/ceiling tile and above-ceiling conditions documented over multiple years by MPFD and documented again in 2025 by DSHS, indicating persistence of similar building/ceiling deficiencies.

- During the October 2025 remodel activity, I submitted written requests to the City for confirmation of

permits/approvals and follow-up on fire/life-safety inspections; I understand (based on an October 17, 2025 phone call with the Building Official) that unpermitted work was occurring.

- The City produced a limited set of annual fire inspection records for this property in response to my public records request.

- As of Tuesday, January 13, 2026, I have not received a written response from the City/MPFD to my written status request sent to Chief Larry McRae and the MPFD main inbox on December 31, 2025, or to my follow-up email sent on January 07, 2026 (both copied to SFMO). I also have not been copied on any written response from MPFD in the SFMO email thread where MPFD was included.

In light of the above, I respectfully request clarification of the following:

1. How does SFMO define and evaluate whether a municipality "is enforcing" its fire code for purposes of §§417.008 and 417.0081?

2. What indicators (e.g., documented correction timelines, reinspections, notices/orders, abatement actions, or responsiveness to referred complaints) does SFMO consider when determining whether the "is enforcing" condition is met?

3. If a complaint record reflects repeated documentation of hazards with limited evidence of correction, what steps, if any, does SFMO take within its statutory framework to promote timely abatement or ensure accountability?

II. Clarification of the Interplay Between §417.004 and §§417.008/417.0081

Your response focused on §§417.008 and 417.0081. I respectfully request clarification regarding how SFMO interprets the scope of its authority under §417.004 in incorporated municipalities where a local AHJ exists.

Section 417.004 describes SFMO authority to, among other things, enforce laws and rules relating to fire prevention, inspect buildings/premises to identify conditions that may cause or contribute to fire, and recommend prosecution to the appropriate prosecuting attorney for violations of laws relating to fires.

Accordingly, I request clarification:

1. Under what circumstances, if any, does SFMO exercise §417.004 inspection authority within incorporated municipalities that have adopted a local fire code and designated an AHJ?

2. How does SFMO interpret the relationship between §417.004 and the deference provisions in §§417.008 and 417.0081?

3. If SFMO does not exercise §417.004 inspection authority in incorporated municipalities except in limited circumstances, what are those circumstances?

III. Coordination/Technical Assistance and Escalation Pathways When a Local AHJ Does Not Respond

Your response described SFMO's role as coordination and technical assistance rather than direct intervention or supervisory oversight. I accept that characterization. However, in practice, coordination typically requires some defined mechanism for follow-through when hazards are referred to a local AHJ.

In this matter, as I understand it:

1. SFMO forwarded my complaint materials to the City of Mount Pleasant as the AHJ;

2. As of Tuesday, January 13, 2026, I have not received a written status update, inspection schedule, case/tracking number, or written findings from the City/MPFD in response to my December 31, 2025 request or my January 07, 2026 follow-up (both sent to Chief McRae and the MPFD main inbox and

copied to SFMO); and

3. I am seeking clarification on what, if any, follow-through mechanisms exist when a referred complaint does not result in a timely local response.

Accordingly, I request clarification:

1. Does SFMO request or expect a written response from the local AHJ when SFMO forwards a complaint?

2. Does SFMO track whether a referred complaint receives a response and/or results in an inspection?

3. What specific coordination or technical assistance steps (if any) does SFMO provide to the local AHJ in situations involving repeated or high-consequence life-safety hazards at a public-occupancy facility?

4. If there is no defined escalation pathway within SFMO, what state-level office or process does SFMO recommend to citizens when a local AHJ does not respond to a referred complaint?

IV. Request for Written Clarification and, If Appropriate, Counsel Review

Given the public-occupancy nature of this facility and the multi-year history documented in the evidence binder, I respectfully request a written response addressing the questions above. If SFMO's response requires coordination with agency counsel, I respectfully request that the response reflect SFMO's official interpretation and process guidance.

For convenience, I am prepared to re-send the evidence binder as a single, bookmarked PDF if your office prefers it attached to this email thread. Copies of my December 31, 2025 and January 07, 2026 emails to MPFD are also available and can be provided again immediately if helpful.

Thank you for your time and consideration. I appreciate any guidance you can provide regarding the appropriate state-level mechanism available in this situation.

Respectfully submitted,

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

Former Asset Protection Investigator – Walmart Store #131

Designated Representative of Current Walmart Store #131 Employees

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On Jan 7, 2026, at 1:54 PM, Kyle Moring <_____> wrote:

Chief McRae,

I have not received a response to my December 31, 2025 request for a status update on documented fire and life-safety concerns at Walmart Supercenter #131. That request was submitted in accordance with Fire Marshal Knight's December 30, 2025 guidance, which directed me to seek written findings

from the City, the local AHJ.

Seven days have passed. The documented concerns, which include sprinkler deficiencies, ammunition storage protection, and egress obstructions at a high-occupancy facility, remain unaddressed in the record.

Please confirm receipt and provide a response or expected timeline.

For Fire Marshal Knight:

Given the City's non-response, I respectfully request guidance on the recourse available when the local AHJ fails to respond to documented life-safety complaints referred by SFMO.

With gratitude,

Kyle Moring

| _____

On Dec 31, 2025, at 8:03 AM, Kyle Moring <_____> wrote:

Chief McRae and Mount Pleasant Fire Department,

I understand you were copied on my prior correspondence with the State Fire Marshal's Office regarding documented fire and life-safety concerns at Walmart Supercenter #131, 2311 S. Jefferson Ave., Mount Pleasant, Texas 75455. Consistent with the State Fire Marshal's Office guidance that the City is the local Authority Having Jurisdiction (AHJ) for fire and life-safety enforcement at this location, I am requesting a written status update from MPFD regarding the City's review, inspection activity, and any corrective action for the issues summarized below.

For efficiency, I am attaching a single, bookmarked PDF "Evidence Binder" that compiles the supporting records (MPFD inspection reports, City correspondence/records, and DSHS inspection reports and related documentation). Please see the binder's bookmarked exhibits for source documents and dates.

Summary of issues requiring AHJ status update/follow-up:

1. Means of egress/exit access (chronic obstruction)

   For months, I have documented blocked fire exits and obstructed egress pathways at this facility. The City's HSCloud re-inspection record dated October 28, 2025, includes an exit obstruction-related note consistent with these concerns (WIC area). I respectfully request confirmation of MPFD's inspection findings, and any corrective actions required to ensure exit

access, exit discharge, and maintained aisle/exit widths remain compliant.

2. Firearms/ammunition storage (“gun closet”) – required signage and sprinkler protection

   MPFD’s September 11, 2024 re-inspection record required an “(explosive) placard” on the door of the room where guns and ammunition are stored and notes that when the condition was revisited on December 03, 2024, it was “still not taken care of.” As of November 2025, it has been reported that the door still lacks proper hazard signage and that the space reportedly lacks the proper sprinkler protection inside the closet/room (as noted in the 2024 inspection report). I am also attaching the most recent sprinkler remodel plans (April 16, 2024), which, based on my review, do not appear to show the gun closet being addressed during that remodel scope. I respectfully request MPFD’s written confirmation of (a) the applicable marking/signage requirement(s) and (b) whether the gun closet is protected as required, given its use and contents, and if not, what corrective steps and timelines have been issued.

3. Sprinkler system maintenance/performance and storage configurations affecting discharge

   Local inspection records document sprinkler inspection gaps and storage configurations that may defeat sprinkler effectiveness, including the September 11, 2024 re-inspection notes regarding an inspection gap for the riser system by the mechanic gun storage area and the concern that there was “no way for the water to access the lower parts of the storage rack,” with the note that it remained unresolved when revisited on December 03, 2024. Earlier MPFD records (July 23, 2021) also document sprinkler maintenance concerns (e.g., sprinkler heads requiring cleaning; battery room sprinkler inspection needing update). Please provide the current compliance status for these items, including the most recent sprinkler inspection documentation on file and any corrective measures required for storage configurations that obstruct discharge.

4. Fire alarm system integrity/improper handling of alarm components

   MPFD’s July 23, 2021, annual inspection documented a fire alarm panel trouble condition requiring repair and signage/identification needs. Separately, the City letter dated October 10, 2025, documents that a key was hung from a fire alarm pull station, notes the Fire Chief was consulted, and indicates the key was removed. Please confirm what follow-up (if any) was conducted to ensure device integrity and that the fire alarm system remains in operable condition, including any corrective or preventive measures required at the site.

5. Hazard identification signage (NFPA 704) and hazardous materials controls

   MPFD’s July 23, 2021 annual inspection documented the need for NFPA 704 placards for used oil storage and propane cylinder storage. Please provide the current compliance status of hazard identification signage and any related requirements the City has enforced for hazardous material areas.

6. Ceiling tile/ceiling system integrity and above-ceiling conditions (multi-year pattern; cross-agency documentation)

   MPFD inspection records document missing/broken ceiling tiles and above-

ceiling combustible concerns (including the removal of cardboard from the ceiling space and its replacement with fire-rated material), and the September 11, 2024 re-inspection again notes missing ceiling tiles throughout the store. DSHS records further document a pattern since at least 2023, including a reported ceiling collapse issue (noted as corrected at that time) and subsequent 2025 inspections documenting ceiling/above-ceiling debris issues and missing ceiling tiles in the bread room as of October 28, 2025. Given the repeated identification of ceiling-system deficiencies by both MPFD and DSHS over multiple years, I respectfully request MPFD's written status update on inspection findings and enforcement/corrective actions to address any fire-resistance, smoke development/spread, or concealed-space concerns.

7. Construction/remodel activity and City nonresponse (TLE area; permits/phasing/life-safety safeguards)

   On October 14, 2025, and October 16, 2025, I sent detailed written requests to City officials seeking confirmation of permits/approvals and phasing/separation plans for the TLE remodel, and requesting inspection/enforcement follow-up on egress, hot-work safeguards, temporary power, and related fire/life-safety controls. The City did not provide a written response to those emails. On October 17, 2025, due to the lack of response, I contacted the Building Official, John Ankrum, by phone. During that call, Mr. Ankrum confirmed that unpermitted work was being performed. Despite these notices, to the best of my knowledge based on records produced, the only documented notice issued during that period was the warning regarding the key hung from the fire alarm pull station (an issue I had also reported). I respectfully request MPFD's written status update regarding whether MPFD reviewed/signed off on any portion of the remodel activity, whether permits/phasing were verified, and whether any violations or corrective orders were issued (or declined) related to construction-phase fire and life-safety safeguards.

8. Limited annual fire inspection records provided by the City

   In response to my public records request, the City produced only two annual fire inspection records for this property since 2021 (July 23, 2021 and September 11, 2024). Please confirm whether additional annual fire inspection reports exist for this property that were not included in the City's response, and if so, how I should request/obtain them.

9. Employee report regarding backroom overcapacity and recurring unsafe conditions

   I am attaching a redacted statement from a current employee who requested anonymity. The statement reports that the backroom is overcapacity and reflects a perception that meaningful local enforcement is unlikely at this location. I respectfully request that the employee's identity and any identifying details be protected to the extent permitted by law.

10. Concern regarding enforcement consistency and the appearance of conflicts

    I am not asserting wrongdoing as an established fact. However, I am requesting a transparent, documented status update and follow-up because the pattern of repeat observations and the limited corrective/enforcement record raises reasonable concerns about inconsistent enforcement at this location. I also wish to document my opinion that the City's publicly

discussed reliance on sales tax revenue (with Walmart being among the largest sales tax generators in Mount Pleasant) could create an appearance of a conflict of interest that warrants heightened transparency and clear documentation of AHJ actions to maintain public confidence.

Requested response (written):

1. Confirmation of whether MPFD has an open case number(s) and/or tracking identifier(s) for these concerns, and the assigned point of contact.

2. A status table or narrative update addressing each item above: whether it is confirmed, corrected, pending, or unverified; what code basis/standard is being applied; and what corrective actions (if any) have been required with deadlines.

3. The date of the last MPFD inspection at this location, the scope/areas inspected, and the date of any scheduled re-inspection or next inspection.

4. If MPFD has determined that any of the items are outside MPFD's jurisdiction, please identify the responsible City office and whether MPFD referred the issue for action.

Thank you for your time and attention to these life-safety issues. I would appreciate confirmation of receipt and a written response at your earliest convenience. I am available to provide dated photo logs and additional documentation upon request.

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

| _____

Attachment: "2025-12-31 – MPFD – Evidence Binder" (single, bookmarked PDF)

<2025-12-31 - MPFD - Evidence Binder.pdf>

On Dec 30, 2025, at 2:40 PM, Debra Knight <Debra.Knight@tdi.texas.gov> wrote:

Thank you for your detailed correspondence and for

providing the supporting documentation regarding Walmart Supercenter Store #131 in Mount Pleasant, Texas. I appreciate the time and effort you have taken to compile and present your concerns related to fire and life-safety conditions at this public occupancy.

The State Fire Marshal's Office (SFMO) reviews all complaints to determine how we may most appropriately assist within the statutory framework established by Texas Government Code Chapter 417. That framework is intended to promote public safety while recognizing that effective fire and life-safety oversight is a shared responsibility among state and local authorities, building owners, and the communities they serve. Our collective goal is always the same: identifying hazards and supporting their timely correction to reduce risk to occupants and responders. SFMO has specific statutory authority and defined limitations regarding inspections and enforcement. While SFMO serves as the statewide Authority Having Jurisdiction (AHJ) for certain occupancies and circumstances, §417.008 and §417.0081 recognize that when a municipality has adopted a fire code and designated a local fire official, that local authority is the primary AHJ for code enforcement, inspections, and corrective actions within its jurisdiction.

In jurisdictions such as the City of Mount Pleasant—where a local fire code is adopted and a local fire department or fire marshal is designated—SFMO's role is generally coordination, and technical assistance, rather than direct intervention or supervisory oversight of local enforcement decisions.

Your materials were forwarded to the City of Mount Pleasant as the appropriate AHJ. SFMO does not assign an enforcement tracking number when a complaint is referred to a local jurisdiction, as the inspection, investigation, and any resulting enforcement actions fall under the authority and records of the local fire official.

Regarding your request for state-level oversight, Chapter 417 does not provide SFMO with authority to administratively review, override, or compel local fire code enforcement actions where a municipality has adopted and is enforcing its own fire code.

If concerns continue, you may find it helpful to seek written inspection findings or status updates directly from the City of Mount Pleasant Fire Department or Fire Marshal's Office, or to engage municipal administrative or elected leadership. SFMO remains willing to stay informed and to assist in a supportive, consultative capacity, recognizing that progress often results from continued communication and cooperation among all parties.

I appreciate your continued engagement on this matter and your commitment to the collective goal of protecting life and property. Please do not hesitate to contact my office if you have additional information to share or if further coordination may be helpful.

Debra Knight
Texas State Fire Marshal
Department of Insurance
Mobile 512.567.8482
Email Debra.Knight@tdi.texas.gov

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<image001.png>

From: Kyle Moring
Sent: Tuesday, December 30, 2025 12:02 PM
To: Debra Knight <Debra.Knight@tdi.texas.gov>
Subject: Request for Administrative Review and Oversight Guidance – Prior Submission re: Walmart Supercenter #131 (Mount Pleasant, TX)

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Fire Marshal Knight,

I am writing to respectfully request an administrative review and

guidance regarding a fire and life-safety complaint packet I submitted to the State Fire Marshal's Office on December 21, 2025 concerning:

Walmart Supercenter Store #131

2311 South Jefferson Avenue

Mount Pleasant, Texas 75455

On December 21, 2025, I submitted an email and an attached evidence binder requesting SFMO review/assistance due to recurring and documented life-safety concerns at this public occupancy facility, including chronic means-of-egress obstructions, sprinkler system performance/maintenance deficiencies, fire alarm integrity issues, hazardous materials and firearms/ammunition storage marking/protection concerns, and recurring ceiling system deficiencies documented over multiple years. I also provided a formal escalation letter summarizing the concerns and supporting exhibits.

On December 22, 2025, SFMO (Lt. Christopher Rusche) acknowledged receipt and advised that the City of Mount Pleasant is the authority having jurisdiction (AHJ) and that my concerns were forwarded to the City.

That same morning, I replied to clarify that these issues have already been raised with the City of Mount Pleasant on multiple occasions, which is why I sought state-level review and oversight rather than another referral to the same local authority. I also requested confirmation of (1) the date of forwarding, (2) the recipient(s) and email address(es), (3) any SFMO tracking/reference number, and (4) what mechanism exists for SFMO to re-engage or provide oversight if the City's response is not timely or does not address the documented life-safety issues.

As of the date of this email, I have not received a substantive response to those oversight questions beyond the initial referral notice. Given the public occupancy nature of the facility and the multi-source documentation contained in the binder, I am respectfully requesting administrative/supervisory review to determine what state-level oversight, coordination, or procedural pathway exists in situations where (a) the local AHJ has already been notified multiple times and (b) the documented hazards appear to recur without effective corrective action.

For convenience, I am reattaching:

- My 12/21/2025 transmittal email

- The SFMO escalation letter (summary + requested focus areas)
- The Store #131 evidence binder
- The 12/22/2025 SFMO acknowledgment and my 12/22/2025 follow-up reiterating the oversight request

Respectfully, I am requesting:

- Written confirmation of whether SFMO assigned any internal reference or tracking number to this submission
- Confirmation of the date the concerns were forwarded to the City of Mount Pleasant and the specific recipient(s) (name/title/email)
- Guidance on whether SFMO can conduct an administrative review of the handling of the referral and/or provide oversight coordination when local enforcement response is not timely or is ineffective
- Any recommended next steps for ensuring these documented life-safety concerns are independently evaluated and corrected

Thank you for your time and consideration. I appreciate any guidance your office can provide regarding the appropriate state-level mechanism in this situation.

The supporting materials are provided as a single, bookmarked PDF evidence binder for ease of review:

Respectfully submitted in good faith,

/s/ Kyle Douglas Moring

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

Former Asset Protection Investigator – Walmart Store #131

Designated Representative of Current Walmart Store #131 Employees

OSHA §11(c) / FSMA Whistleblower Complainant

<2025-12-21 - SFMO - Store 131 Evidence Binder.pdf>