From: **Stifflemire,Sofia (DSHS)** Sofia.Stifflemire@dshs.texas.gov
Subject: Supervisory Review Requested – New Evidence (9/2–9/7) Contradicts City 8/25 “No Violations” – Walmart #131 I Complaint #1524250148
Date: October 9, 2025 at 2:02 PM
To:
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, Stifflemire,Sofia (DSHS) Sofia.Stifflemire@dshs.texas.gov

SS

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 <_____ _____>
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 I 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 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. [redacted]