Subject: Request for DSHS review/re-inspection — City of Mount Pleasant response to September 16, 2025 complaint at Walmart #131

Good evening,

I respectfully request that DSHS review the City of Mount Pleasant's handling of the September 16, 2025 complaint visit at Walmart Store #131 (2311 S. Jefferson Ave., Mount Pleasant, TX) and consider a state-led re-inspection.

Context and documentation

- On **July 28, 2025**, DSHS conducted a complaint inspection and **substantiated** concerns related to contamination associated with ongoing roof work. The report highlights debris in multiple product areas, flies, and several handwashing sinks that do not reach a suitable temperature **(Note: employees report that the sink continues to experience temperature-related issues)**. It also notes the lack of thermometers and sanitizer test strips, and lists temperature readings for select cases. Multiple items were identified for correction, with short deadlines.
- Earlier, the City's July 09, 2025 retail food inspection report explicitly noted: "*The TCS food is not being maintained at 41°F or below,"* yet the "Measured Observations" page contains no numeric temperatures.
- For the August 20, 2025 follow-up, the City sent a closure letter stating it *"found no items in violation… no further investigation is required."*
- On September 16, 2025, the USDA/FSIS referred a new consumer complaint to DSHS (7:04 AM time stamp on the eCCF printout). DSHS forwarded it to the City at 8:10 AM. City Supervisor John Ankrum instructed the inspector at 8:26 AM to *"take pictures of cold holds, and document all temperature*," including the pickup area. At 3:55 PM that same day, the City reported to DSHS that **"***No violations were found… [and] no further follow up is required."*
- The City's September 16, 2025 letter to Walmart (ID FS-473734, printed September 18, 2025) uses violation notice language— *"This is your official notice that you will need to bring the property into compliance no later than September 16, 2025"*—yet the narrative states *"Observed no present violations… No further follow up is needed."* The materials provided to me do not include numeric temperature measurements or calibration checks, and the photographs were supplied only as a PDF compilation (not native images with EXIF). The City's case record references **CAD #1250712507** for this event.

Timeline note (for the record): On September 2, 2025, DSHS notified me that **Complaint #1524250148** was closed and that **"further action … is not warranted."** The eCCF that FSIS later forwarded to DSHS on September 16, 2025, lists the **"Date Incident Occurred: 09/02/2025,"** i.e., the same date.

Requested Actions

1. **Record adequacy & supplementation:** Please request from the City the numeric temperature measurements (product/case) and any thermometer calibration verification recorded on September 16, 2025, together with native photo files (original resolution with EXIF) associated with that visit. If such documentation does not exist, I respectfully request a DSHS-led re-inspection focused on cold-holding (TCS) verification, thermometer calibration, and case drainage/leak management.

From: Kyle Moring
Subject: 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 9, 2025 at 4:17 PM

KM

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