From: **Ressler,Lewis (DSHS)** Lewis.Ressler@dshs.texas.gov
Subject: RE: Escalation — Request for State Re-Inspection, Enforcement, and Confidentiality Protections — Walmart #131 (DSHS Inspection #308620)
Date: September 2, 2025 at 2:40 PM
To: [redacted]
Cc: Martinez,Eric (DSHS) Eric.Martinez1@dshs.texas.gov

LR

Mr. Moring,
We acknowledge receipt of your complaint, and we wish to confirm that it has been reviewed in full accordance with the applicable regulations, policies, and internal procedures governing our complaints process. As part of our assessment, we undertook a comprehensive examination of all relevant information, documentation, and correspondence related to your complaint. It has been determined that the actions taken were consistent with our regulatory obligations and within our scope of our authority. As the issue is being addressed by the local health authority, further action by DSHS is not warranted at this time. Complaint #1524250148 is closed. Thank you.

Lewis Ressler, M.P.H., R.S.
Manager, Manufactured Foods Operations
Food & Drug Section
Consumer Protection Division
Texas Department of State Health Services
(o) 512-231-5657 | (c) 512-826-6154
lewis.ressler@dshs.texas.gov

From: [redacted] <[redacted]>
Sent: Monday, August 25, 2025 9:01 PM
To: Ressler,Lewis (DSHS) <Lewis.Ressler@dshs.texas.gov>
Cc: Martinez,Eric (DSHS) <Eric.Martinez1@dshs.texas.gov>
Subject: Escalation — Request for State Re-Inspection, Enforcement, and Confidentiality Protections — Walmart #131 (DSHS Inspection #308620)

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Mr. Ressler,

I am copying Mr. Eric Martinez (current case contact). Given the scope (roof debris/water intrusion, uncorrected conditions, and a disclosure of my complainant identity during the Aug 20 follow-up), I am asking for state-level direction and a DSHS-led re-inspection. A comparison PDF of report excerpts vs. post-inspection photos is attached; [redacted]

Background / Current Status: The DSHS file for Inspection #308620 (July 28, 2025) reflects “Voluntary Action – No Warning” with a referral to the City of Mount Pleasant on August 19, 2025. The Mobile Inspection Report notes roof-related debris on specific GM items with “firm will clean by end of day.” My time-stamped photos taken after July 28 show the same locations still contaminated, indicating the corrective timeline was not met. The City’s July 18, 2025 complaint inspection likewise relied on assurances without durable correction.

Request for State Lead & Enforcement: I respectfully request that DSHS retain lead and schedule a state re-

inspection, rather than deferring to the City. At re-inspection, please consider embargo/restrictions for any uncorrected conditions and coordinate with OSHA given ongoing hazards and employee exposure.



My concern is not confidentiality at this point; it is that the City's Building Official initiated a discussion about "who complained" during the Aug 20 follow-up and then confirmed Walmart management's suspicions about my identity while the inspection was underway. That conduct compromises the neutrality of the inspection, chills reporting, and risks retaliation. I ask DSHS to (1) remove/recuse the City inspector from this case, (2) document the breach in the case file, and (3) proceed with a DSHS-led re-inspection and enforcement as outlined above.

City Records Requests (Context):

• **Fri., Aug 22, 2025:** I requested the inspection report from John Ankrum, Lynn Barrett, and City Secretary Candias Webster. Ms. Webster confirmed receipt the same day and copied City Attorney Austin Beck (Davidson, Troilo, Ream & Garza, San Antonio).

• **Mon., Aug 25, 2025:** [redacted] I received a voicemail from Mr. Beck asking me to contact him regarding my pending open-records requests. I have not received a copy of the most recent city inspection report either.

Documentation Quality Concerns (City/Portal Records): Multiple City inspection reports for Store #131 are largely blank or minimally documented. This extends beyond food-establishment reports; pool inspection reports on MyHealthDepartment.com likewise contain very little narrative detail. This suggests materially relevant observations/corrections may not be captured in public or shared records.

Clarifications Requested on the DSHS File and Follow-Up

1. **Photo Evidence Handling**

   • Why do some DSHS-documented photos match items I submitted, while other submitted photos are absent, despite the report noting "all photos were followed up with"?

   • Please provide the complete DSHS photo inventory (filenames, timestamps) used for follow-up, and confirm which items were/weren't field-verified.

2. **July 24–26 Supplemental Submissions (incl. "#5-Walmart Supercenter.pdf")**

   • Why is "#5-Walmart Supercenter.pdf" edited in the PDF copy such that a referenced attachment is missing?

   • Please re-issue the July 24–26 supplemental submissions as complete copies with all attachments and reflect them in the case file.

3. **Temperature Verification**

   • Why were no product or cooler temperatures recorded for the items/areas pictured in my supplemental submissions?

• Please provide DSHS's temperature-check policy for complaint follow-ups of this type and explain the basis for omitting temperature checks here.

4. **Firm's Complaint Log & Returned TCS Foods**

   · Please provide the firm's complaint log used/reviewed (timeframe, fields captured, and a few example entries). Did the log include external complaints (customer/agency) as well as internal reports?

   · Why was the City of Mount Pleasant's July 18, 2025 complaint inspection not referenced in DSHS's narrative if the firm's log and the City's inspection were reviewed?

   · **Context for review:** I previously worked at Walmart #131 as an Asset Protection Investigator. Between January 2021 and April 2025, I personally observed multiple instances in which time/temperature control for safety (TCS) foods returned via Online Grocery Pickup or at the Service Desk were staged in department-labeled totes at the front end for extended periods and, at times, reintroduced to sales coolers/freezers.

   Please review and reconcile:

   – Customer complaint/return logs (OGP return codes; front-end return reasons);

   – Service Desk/Front-End SOP for staging/disposition of returned TCS foods;

   – Temperature/discard records and corrective actions for returned TCS items;

   – Salvage/donation/compactor logs and credit memos for discarded food.

   If DSHS determines returned TCS products were not maintained within required TFER time/temperature controls, please address in the re-inspection findings and consider appropriate enforcement.

Requested DSHS Actions

1. Reassign follow-up to DSHS personnel (not the City) and provide a date-certain for a state re-inspection;
2. Provide DSHS's written complainant-confidentiality policy and identify corrective steps to prevent further disclosure;
3. Obtain and add to the case file the City's inspection report(s) (if any) and the July–August 2025 food-establishment complaint/inspection logs for Walmart #131;
4. Consider enforcement actions if conditions are uncorrected; and
5. Coordinate with OSHA regarding workplace safety hazards.

Records to Add / Provide

- Please add my after-inspection photo set to Complaint #1524250148 and confirm receipt.
- Please provide:

  • The complete case log and inspection reports for July–August 2025 at Walmart #131;

  • The full DSHS photo inventory and field notes tied to #308620;

  • DSHS's written complainant-confidentiality policy and temperature-check policy for complaint inspections.

Attachments:

- Comparison PDF (report excerpts vs. post-inspection photos) — reduced file size to meet DSHS upload limits; full-resolution originals available upon request.

Please confirm receipt, add the photo set to Complaint #1524250148, and provide a date-certain for the state re-inspection. [redacted]

Respectfully submitted in good faith,

Kyle Douglas Moring

[redacted]

[redacted]

OSHA 11(c)/FSMA Case [redacted]

[redacted]