TEXAS PUBLIC INFORMATION ACT

WRITTEN OPEN RECORDS COMPLAINT

Failure to comply with Open Records Letter Ruling OR2026-027532

August 2, 2026

VIA OPEN RECORDS COMPLAINT PORTAL

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Governmental body: City of Mount Pleasant / Mount Pleasant Police Department
Requestor: Kyle Douglas Moring
Original request: April 9, 2026
OAG matter: ID# 26-020929; request-reference OR-26-020929-RR
Ruling: OR2026-027532, issued June 30, 2026
Complaint: Nonproduction of information ordered released

Dear Open Records Division:

I submit this written complaint under Texas Government Code §§ 552.221 and 552.328. It concerns the City of Mount Pleasant's continuing failure to produce information that the Attorney General ordered released in Open Records Letter Ruling OR2026-027532. Consistent with § 552.328(b), this submission includes my original request and the correspondence presently in my possession concerning the request.

As of August 2, 2026, I have received no responsive records, no partial production, no itemized cost estimate, no certified notice or production schedule for voluminous information, no written notice of withholding authorized by the ruling, and no notice that the City filed suit under § 552.324. I respectfully request prompt OAG intervention to obtain compliance and to determine whether the City improperly failed to comply with § 552.221.

1. Background and procedural history

1. **April 9 request.** On April 9, 2026, I emailed the City a written request for records maintained by the Mount Pleasant Police Department concerning the vendor-impersonation theft disclosed as Finding 2024-002 in the City's FY 2024 Single Audit. The request sought offense, incident, complaint, supplemental, case, and CAD/dispatch records; interagency communications; investigative and referral records; and, at minimum, basic or public-narrative information.

2. **City's acknowledgment of responsive information.** In its April 23, 2026 ruling-request letter, City counsel stated that the City had identified information responsive to my request and was withholding some responsive information. The City asserted §§ 552.101 and 552.108 and represented that it would submit legal arguments and copies of the responsive information to ORD within five business days.

3. **Pre-ruling submissions.** On April 24, 2026, I submitted preliminary requestor comments under § 552.304. On May 4 and May 5, 2026, I notified the City, its counsel, and ORD that I had not received the City's written comments under § 552.301(e-1). These materials are included to provide the complete request-and-response history.

4. **June 30 ruling.** On June 30, 2026, ORD issued OR2026-027532. The ruling found that the City had not submitted a copy or representative sample of the requested information and therefore failed to comply with § 552.301. Because ORD had no basis to find any information excepted, it ordered the requested information released under § 552.302 and stated that the City must challenge the ruling in court under § 552.324 if it believed the information could not lawfully be released.

5. **Continuing nonproduction.** More than 30 days have passed since ORD issued the ruling. On July 4, 2026, I transmitted the ruling to City administration and the City Council and demanded production, setting a response deadline of 5:00 p.m. Central Time on July 8, 2026 (Exhibit L). The City did not produce records, provide a production schedule, provide an itemized cost estimate, or confirm suit under § 552.324 by that deadline. The City has since taken none of the other actions described in § 552.306(c), and I have not received the written lawsuit notice required by §§ 552.306(c)(5) and 552.325(b). The failure is continuing as of the date of this complaint.

2. Grounds for complaint

A. Failure to produce public information promptly

Section 552.221(a) requires the officer for public information to produce public information promptly, meaning as soon as possible under the circumstances and within a reasonable time, without delay. OR2026-027532 determined that the requested information must be released. The City's complete nonproduction after the ruling is a refusal or failure to provide the public information required by § 552.221.

B. Failure to take required post-ruling action

Section 552.306(c) requires a governmental body, as soon as practicable and within a reasonable time after an Attorney General opinion, to take the applicable action: provide any required itemized estimate; give certified notice and a production schedule if the

information is voluminous; produce information required to be produced; notify the requestor of withholding authorized by the opinion; or notify the requestor of a suit under § 552.324. Section 552.306(d) affords a presumption of compliance when one of those actions is taken no later than the 30th day after issuance. Thirty days after the June 30 ruling was July 30, 2026. I received none of the listed actions by that date or thereafter.

C. The City must comply absent a timely § 552.324 suit

Under § 552.324(a), the only suit a governmental body may file to withhold the information is an action against the Attorney General in a Travis County district court seeking declaratory relief from the ruling. Section 552.324(b) requires suit no later than the 30th calendar day after the City receives the decision; if no suit is brought within that period, the City shall comply with the decision. The exact receipt date is within the knowledge of the City and OAG. I ask ORD to verify whether a timely action was filed.

D. I received no required notice of a lawsuit

Section 552.325(b) requires a filing party to make a timely, good-faith effort to notify the requestor, by a written method requiring proof of receipt, of the suit's existence, subject matter, cause number, court, the requestor's right to intervene, and the fact that the suit is against the Attorney General in Travis County. I have received no such notice. Because the Attorney General would be the defendant in any § 552.324 action, ORD can confirm the filing status directly.

E. This complaint satisfies § 552.328(b)

The enclosed materials include the April 9 original request and the correspondence presently in my possession concerning the City's response, including the City's April 23 ruling-request letter and transmittal, my requestor comments and follow-ups, the related OAG e-filing receipts, and OR2026-027532. The exhibit index below identifies each enclosed PDF.

3. Requested action

1. Open a complaint under § 552.328, assign a complaint or tracking number, and notify me of that number.
2. Confirm whether the City, its officer for public information, or another person or entity filed any action concerning OR2026-027532 under §§ 552.324 or 552.325; if so, identify the filing date, cause number, court, and current status, and ensure that I receive the notice and intervention information required by § 552.325(b).
3. If no timely suit was filed, determine that the City improperly failed to comply with § 552.221 and issue the written notice required by § 552.328(c).
4. Require the City to comply promptly with OR2026-027532 by producing all information the ruling orders released. To the extent ORD determines that §

552.328(c)(3) applies, require compliance with its five-business-day deadline and compelling-reason standard without treating that procedure as reconsideration of the existing ruling.

5. Upon a determination that the City improperly failed to comply with § 552.221, apply the no-cost requirement in § 552.328(c)(2) and the training requirement in § 552.328(c)(1).
6. If noncompliance continues, consider enforcement through the Attorney General's mandamus authority under § 552.321(a) or other lawful referral or enforcement action.
7. Provide me written notice of the City's response, the OAG's determination, and any production deadline or enforcement disposition.

4. No request for reconsideration; rights preserved

This complaint does not ask ORD to reconsider OR2026-027532. It asks ORD to enforce compliance with the existing ruling and to apply the current statutory complaint procedure. I do not waive any right to seek mandamus or other relief under §§ 552.321, 552.3215, 552.323, or other applicable law.

5. Statement of current status

I state that, as of August 2, 2026, I have received no responsive records and no notice that a suit challenging OR2026-027532 was filed. The enclosed documents are true and correct copies of the original request and the relevant correspondence presently in my possession.

Respectfully submitted,

Kyle Douglas Moring
[redacted] | [redacted]

Exhibit index

The following PDFs accompany this complaint. Some email-chain exhibits repeat earlier messages; they are included to preserve the correspondence record and demonstrate service and follow-up.

Ex.	Date	Description
A	Apr. 9, 2026	Original TPIA request: MPPD records concerning FY 2024 vendor-impersonation theft.
B	Apr. 23, 2026	City counsel's 10-business-day ruling-request letter to OAG, including copy of request.
C	Apr. 23, 2026	City counsel's email transmitting the ruling-request letter to Kyle Moring.
D	Apr. 24, 2026	Moring email notifying City and counsel of preliminary § 552.304 comments and requesting the City's § 552.301(e-1) comments.
E	Apr. 24, 2026	Preliminary requestor comments under § 552.304, with Exhibits 1-4.
F	Apr. 24, 2026	OAG PIA e-filing receipt: Tracking ID OR26021028; Texas.gov Request ID [redacted]
G	May 4, 2026	Moring follow-up email concerning nonreceipt of the City's written comments.
H	May 5, 2026	Moring email notifying City and counsel of supplemental OAG filing.
I	May 5, 2026	Supplemental notice to ORD concerning nonreceipt of the City's § 552.301(e-1) comments.
J	May 5, 2026	Texas.gov confirmation of supplemental OAG e-filing submission.
K	June 30, 2026	Open Records Letter Ruling OR2026-027532 ordering the requested information released.
L	July 4, 2026	Moring demand to City administration and City Council for prompt production under the ruling; response deadline of July 8, 2026 unmet.

EXHIBIT A

Original TPIA request

DATE	April 9, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	City of Mount Pleasant — April Nipp; Austin Beck (Davidson Troilo Ream & Garza, P.C.)
EXTENT	1 page
LOCATION	Binder pages 7 of 61

RELEVANCE TO THIS COMPLAINT

The request that started this matter. Establishes the April 9, 2026 receipt date from which the City's § 552.221 production duty and § 552.301 ruling deadlines run, and defines the scope of the information the Attorney General later ordered released.

From: **Kyle Moring** [redacted]
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft
Date: April 9, 2026 at 12:52 PM
To: April Nipp anipp@mpcity.org
Cc: Austin Beck abeck@dtrglaw.com

KM

Good afternoon,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request access to and copies of records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report. The Single Audit reports theft of City funds by someone posing as an active vendor and a $557,340 loss. This request covers records created, received, or maintained from October 1, 2023 through the date of your search, to the extent they relate to that incident.

Requested Records

1. Any offense reports, incident reports, complaint reports, supplemental reports, case reports, or CAD/dispatch records maintained by MPPD concerning the incident, including any existing records showing the case number(s), date(s) reported, and disposition or status reflected in MPPD's files.
2. Any emails, letters, memoranda, referral records, or other communications between MPPD and any other law enforcement agency regarding the incident, including local, state, or federal agencies.
3. Any records in MPPD's possession reflecting investigative steps, referrals, subpoenas, warrant materials, or similar records relating to the incident, to the extent such records are public or may be released in part.
4. If any responsive record relates to an open or pending criminal investigation and you withhold portions of it, please release any basic or public-narrative information that is not excepted from disclosure.

Format and Delivery

Please provide electronic copies by email where possible, with PDF format preferred. If any responsive record exists only in paper form, please provide photocopies. If anticipated charges will exceed $40.00, please provide a written itemized estimate before processing the request further.

Response and Withholding Procedures

Please produce responsive information promptly. If the information cannot be produced within 10 business days, please provide the written notice required by Chapter 552 stating the reasonable date and time when the information will be available. If you contend that any responsive information is excepted from disclosure, please comply with the applicable Chapter 552 procedures for requesting an Attorney General ruling and providing the required notice to me.

With gratitude,

Kyle Moring
[redacted] | [redacted]

EXHIBIT B

City counsel's ruling-request letter to the Attorney General

DATE	April 23, 2026
AUTHOR	Austin R. Beck, Davidson Troilo Ream & Garza, P.C., counsel for the City
RECIPIENT	Office of the Attorney General, Open Records Division
EXTENT	2 pages
LOCATION	Binder pages 9–10 of 61

RELEVANCE TO THIS COMPLAINT

The City's own admission that responsive information exists and is in its possession. Counsel asserted §§ 552.101 and 552.108 and represented that the City would submit legal arguments and copies of the responsive information within five business days — a representation the June 30 ruling found was never fulfilled.

DAVIDSON TROILO REAM GARZA PC

JOHN W. DAVIDSON ARTHUR TROILO *(1931-2020)* CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER
PATRICK W. LINDNER LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL R. JO RESER
PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER
ARTHUR C. TROILO III NICONDRA CHARGOIS-ALLEN BETSY J. JOHNSON MOLLY G. SOLIS
HEATHER R. STARLING AUSTIN R. BECK JUSTIN J. NAIL E. SPENCER NEALY CHELSEA N. AMEN
OF COUNSEL TERRY TOPHAM

April 23, 2026

VIA EMAIL
Honorable Ken Paxton
Attorney General
ATTN: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

RE: Public Information Exception Ruling –City of Mount Pleasant, Texas
TPIA Ruling Req. – K. Moring Request (Rec'd April 9, 2026)

Dear Mr. Paxton:

Our firm represents the City of Mount Pleasant ("**City**"), a Texas municipality that is subject to the requirements of Chapter 552 of the Texas Government Code (the "**TPIA**"). The City has received an open records request from Mr. Kyle Moring ("**Requestor**") for certain law enforcement records. The request was received on April 9, 2026. This ruling request is therefore timely because the 10-day deadline is April 23, 2026. The Requestor is seeking certain information that is in the possession of the City, but which the City believes may be excepted from disclosure at this time. A copy of this correspondence without enclosures has been provided to the Requestor.

The City has identified information responsive to the request, but is withholding some responsive information because the City believes the information may be excepted from required public disclosure pursuant to one or more exceptions under the TPIA. Within five (5) business days, the City will submit legal arguments to your office regarding applicable exceptions, as well as copies of the responsive information that the City believes are excepted from required public disclosure at this time pursuant to one or more of the TPIA, including but not limited to §552.101 and/or §552.108.

Thank you for your consideration of this matter. Please do not hesitate to call or write if our office can be of further assistance in resolving this request for an open records ruling.

Sincerely,

/s/ Austin Beck
Austin R. Beck

Enclosures: Exhibit "A" – Copy of TPIA Request

Copies w/o enclosures sent to:

Mr. Kyle Moring By Email: [redacted]
Requestor

EXHIBIT "A"
Copy of TPIA Request

From: Kyle Moring [redacted]
Sent: Thursday, April 9, 2026 12:52 PM
To: April Nipp <anipp@mtpleasanttx.gov>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft

Good afternoon,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request access to and copies of records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report. The Single Audit reports theft of City funds by someone posing as an active vendor and a $557,340 loss. This request covers records created, received, or maintained from October 1, 2023 through the date of your search, to the extent they relate to that incident.

Requested Records

1. Any offense reports, incident reports, complaint reports, supplemental reports, case reports, or CAD/dispatch records maintained by MPPD concerning the incident, including any existing records showing the case number(s), date(s) reported, and disposition or status reflected in MPPD's files.
2. Any emails, letters, memoranda, referral records, or other communications between MPPD and any other law enforcement agency regarding the incident, including local, state, or federal agencies.
3. Any records in MPPD's possession reflecting investigative steps, referrals, subpoenas, warrant materials, or similar records relating to the incident, to the extent such records are public or may be released in part.
4. If any responsive record relates to an open or pending criminal investigation and you withhold portions of it, please release any basic or public-narrative information that is not excepted from disclosure.

Format and Delivery

Please provide electronic copies by email where possible, with PDF format preferred. If any responsive record exists only in paper form, please provide photocopies. If anticipated charges will exceed $40.00, please provide a written itemized estimate before processing the request further.

Response and Withholding Procedures

Please produce responsive information promptly. If the information cannot be produced within 10 business days, please provide the written notice required by Chapter 552 stating the reasonable date and time when the information will be available. If you contend that any responsive information is excepted from disclosure, please comply with the applicable Chapter 552 procedures for requesting an Attorney General ruling and providing the required notice to me.

With gratitude,

Kyle Moring
[redacted]

EXHIBIT C

City counsel's email transmitting the ruling-request letter

DATE	April 23, 2026
AUTHOR	Austin R. Beck, counsel for the City
RECIPIENT	Kyle Douglas Moring (requestor)
EXTENT	2 pages
LOCATION	Binder pages 12–13 of 61

RELEVANCE TO THIS COMPLAINT

Documents the City's § 552.301(d) notice to the requestor and fixes the date the requestor learned a ruling had been sought. Confirms that only correspondence without enclosures was provided to the requestor.

From: **Austin Beck** abeck@dtrglaw.com
Subject: RE: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft
Date: April 23, 2026 at 7:31 PM
To: Kyle Moring [redacted] April Nipp anipp@mpcity.org
Cc: Candias Webster cwebster@mtpleasanttx.gov

AB

Good evening Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas ("City"). Attached please find a copy of correspondence submitted today to the Office of the Attorney General regarding an open records request received by the City from you on April 9, 2026.

Regards,

Austin Beck

DAVIDSON TROILO REAM & GARZA PC

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIAL NOTICE: The information in this e-mail may be confidential and/or privileged. This e-mail is intended to be reviewed by only the individual or individuals named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e-mail or the information contained herein is prohibited. If you received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your system.

From: Kyle Moring [redacted]
Sent: Thursday, April 9, 2026 12:52 PM
To: April Nipp <anipp@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft

Good afternoon,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request access to and copies of records already in existence and maintained by the Mount

request access to and copies of records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report. The Single Audit reports theft of City funds by someone posing as an active vendor and a $557,340 loss. This request covers records created, received, or maintained from October 1, 2023 through the date of your search, to the extent they relate to that incident.

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With gratitude,

Kyle Moring
[redacted] | [redacted]

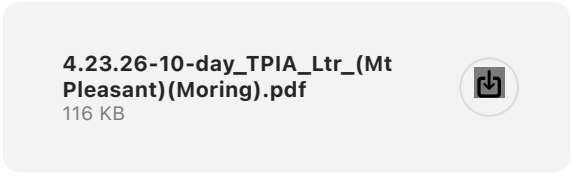


EXHIBIT D

Requestor notice of preliminary comments and request for the City's § 552.301(e-1) comments

DATE	April 24, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	City of Mount Pleasant and its counsel
EXTENT	3 pages
LOCATION	Binder pages 15–17 of 61

RELEVANCE TO THIS COMPLAINT

Shows the requestor timely notified the City and counsel of his § 552.304 comments and expressly requested the City's written comments required by § 552.301(e-1). Establishes that nonreceipt of those comments was raised contemporaneously, not after the fact.

From: Kyle Moring [redacted]
Subject: Re: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft
Date: April 24, 2026 at 12:32 PM
To: Austin Beck abeck@dtrglaw.com
Cc: April Nipp anipp@mpcity.org, Candias Webster cwebster@mtpleasanttx.gov

KM

Good afternoon,

I e-filed the attached preliminary requestor comments and accompanying exhibits today with the Texas Attorney General Open Records Division under Government Code § 552.304.

This filing concerns OAG ID No. OR-26-020929-RR and the City of Mount Pleasant/Mount Pleasant Police Department ruling request regarding my April 9, 2026 TPIA request for MPPD records concerning the FY 2024 vendor-impersonation theft/Finding 2024-002.

Consistent with Government Code § 552.304 and the certificate of service included in the filing, I am providing the City and its counsel a copy of the same materials submitted to the Open Records Division. The attachment includes my preliminary requestor comments and Exhibits 1–4.

Please provide me with the City's written comments submitted to the Open Records Division under Government Code § 552.301(e)(1)(A), as required by § 552.301(e-1), redacted only to the extent permitted by statute.

Respectfully,

Kyle Moring
[redacted]

OR-26-020929-RR_Moring_Preliminary_Reques...

On Apr 23, 2026, at 7:30 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Good evening Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas ("City"). Attached please find a copy of correspondence submitted today to the Office of the Attorney General regarding an open records request received by the City from you on April 9, 2026.

Regards,

Austin Beck
<image001.jpg>
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIAL NOTICE: The information in this e-mail may be confidential and/or privileged. This e-mail is intended to be reviewed by only the individual or individuals

named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e-mail or the information contained herein is prohibited. If you received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your system.

From: Kyle Moring [redacted]
Sent: Thursday, April 9, 2026 12:52 PM
To: April Nipp <anipp@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft

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Please produce responsive information promptly. If the information cannot be produced within 10 business days, please provide the written notice required by Chapter 552 stating the reasonable date and time when the information will be available. If you contend that any responsive information is excepted from disclosure, please comply with the applicable Chapter 552 procedures for requesting an Attorney General ruling and providing the required notice to me.

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With gratitude,
Kyle Moring
[redacted] | [redacted]
<4.23.26-10-day_TPIA_Ltr_(Mt Pleasant)(Moring).pdf>

EXHIBIT E

Preliminary requestor comments under Section 552.304

DATE	April 24, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	Office of the Attorney General, Open Records Division
EXTENT	19 pages, including Exhibits 1–4
LOCATION	Binder pages 19–37 of 61

RELEVANCE TO THIS COMPLAINT

The requestor's substantive submission to the Open Records Division, including the public-disclosure matrix and the FY 2024 Single Audit excerpts documenting Finding 2024-002. Preserves the segregability and narrow-redaction arguments the requestor does not waive by filing this complaint.

April 24, 2026

Via OAG Open Records Division E-Filing System

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Re: Preliminary Requestor Comments Under Texas Government Code § 552.304
Governmental Body: City of Mount Pleasant / Mount Pleasant Police Department
Requestor: Kyle Moring
Request Date / Receipt Date Stated by City: April 9, 2026
City Counsel Letter: April 23, 2026
Subject: MPPD Records Concerning FY 2024 Vendor-Impersonation Theft / Finding 2024-002
OAG ID No.: OR-26-020929-RR

Dear Open Records Division:

I am the requestor in the above-referenced Texas Public Information Act matter. I submit these preliminary comments under Texas Government Code § 552.304 in response to the City of Mount Pleasant's April 23, 2026 request for an Attorney General decision concerning records maintained by the Mount Pleasant Police Department relating to the vendor-impersonation theft disclosed in the City's FY 2024 audit materials.

The City's April 23, 2026 letter states that the City received my request on April 9, 2026, has identified responsive information, and believes some responsive information may be excepted from required public disclosure under the Texas Public Information Act, including but not limited to Government Code §§ 552.101 and/or 552.108. The City states that it will submit legal arguments and copies of responsive information to the Open Records Division within five business days.

Because I have not yet received the City's full written comments under Government Code § 552.301(e-1), these comments are preliminary. I respectfully reserve the right

to submit supplemental comments after receiving the City's written arguments and before the Open Records Division issues a ruling.

I. Background

On April 9, 2026, I submitted a written request under the Texas Public Information Act for records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report.

My request sought, among other things:

1. Offense reports, incident reports, complaint reports, supplemental reports, case reports, or CAD/dispatch records maintained by MPPD concerning the incident, including existing records showing case number(s), date(s) reported, and disposition or status reflected in MPPD's files
2. Emails, letters, memoranda, referral records, or other communications between MPPD and any other law enforcement agency regarding the incident
3. Records in MPPD's possession reflecting investigative steps, referrals, subpoenas, warrant materials, or similar records, to the extent such records are public or may be released in part
4. If any responsive record relates to an open or pending criminal investigation, release of basic or public-narrative information that is not excepted from disclosure

This request concerns the theft of public funds from a Texas municipality. The City's own FY 2024 Single Audit publicly discloses that Finding 2024-002 involved theft of City funds by someone posing as an active vendor of the City, that the City lacked proper controls over its disbursement process to assure vendor-payment-information changes were proper and accurate, and that the theft resulted in a $557,340 loss to the City during the fiscal year ended September 30, 2024.

II. Requested Ruling

I respectfully request that the Open Records Division rule that the City and MPPD must:

1. Release all basic information about the offense, report, complaint, referral, case, and investigation that is not confidential by law
2. Release all reasonably segregable non-exempt portions of responsive records

3. Withhold only those discrete portions for which the City satisfies its burden under a specifically identified exception
4. Reject any blanket withholding under § 552.108 or § 552.101 that is not supported by a specific explanation tied to the records at issue
5. Consider whether the City has complied with Government Code § 552.301(e-1), including whether the City provided me a copy of its written comments, redacted only to the extent necessary to avoid revealing the substance of the information at issue

III. Section 552.108 Does Not Permit Withholding Basic Information

The City's April 23 letter references § 552.108. I do not dispute that certain sensitive investigative details may be withheld if the City demonstrates that release would interfere with the detection, investigation, or prosecution of crime. I also do not seek disclosure of bank account numbers, routing numbers, access-device information, passwords, confidential criminal-history information, private personal identifiers, non-public investigative techniques, or other information made confidential by law.

However, § 552.108 does not authorize blanket withholding of all responsive records. Section 552.108(c) expressly provides that § 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. My request expressly asked MPPD to release basic or public-narrative information if the records relate to an open or pending investigation.

At minimum, the basic information that should be released includes:

1. The MPPD case number, incident number, or report number
2. The date the incident was reported to MPPD
3. The offense classification or offense type
4. The general date or time period of occurrence
5. The general location or governmental entity involved
6. Identification of the complainant or victim to the extent the complainant/victim is the City of Mount Pleasant
7. The property or loss information to the extent reflected in the offense report and not otherwise confidential
8. A public narrative or detailed description of the offense sufficient to disclose the basic facts of the crime

9. The investigating agency and investigating officer names, to the extent included in basic information and not otherwise confidential by law
10. The current public status or disposition reflected in MPPD records, to the extent that information is basic information or otherwise reasonably segregable and non-confidential

The City's public audit materials already disclose the core facts of the offense: theft of City funds, vendor impersonation, deficient vendor-payment-change controls, and a $557,340 loss. Release of corresponding basic offense-report information would not disclose the existence of an unknown crime, unknown victim, unknown general offense type, or unknown loss amount. The public audit disclosure substantially narrows any legitimate law enforcement concern as to the basic facts of the offense.

Accordingly, even if the City can demonstrate that discrete investigative details may be withheld under § 552.108, MPPD should still be required to release basic information and all reasonably segregable non-exempt portions.

IV. Section 552.108 Requires a Specific Showing

The City should be required to explain how and why release of the specific information at issue would interfere with the detection, investigation, or prosecution of crime. A generalized assertion that the requested records are "law enforcement records" is insufficient.

If the City relies on § 552.108(a)(1), it should identify the status of the case and explain how release of the specific information at issue would interfere with an active investigation or prosecution. If the matter has been referred to another law enforcement agency, the City should provide a representation from the law enforcement agency with the pending matter stating that release would interfere with its investigation or prosecution. If the investigation has concluded, the City should identify the disposition and explain why the particular subsection of § 552.108 still applies.

If the City relies on a law enforcement interest held by another agency, the City should identify that agency's interest with specificity and provide a representation from the agency with the pertinent law enforcement interest.

I am not asking the Open Records Division to require disclosure of sensitive investigative strategy, suspect leads, subpoena strategy, bank account credentials,

access-device data, or non-public law enforcement techniques. I am asking for release of basic information and segregable, non-confidential portions of responsive records.

V. Section 552.101 Must Be Tied to a Specific Confidentiality Law

The City also references § 552.101. Section 552.101 is not a general discretionary exception. It applies only to information made confidential by constitutional law, statutory law, or judicial decision.

If the City relies on § 552.101, it should identify the specific confidentiality law it contends applies and explain how that law applies to the specific information withheld. A general reference to § 552.101 should not justify withholding an entire offense report, case number, complaint record, report date, public narrative, referral record, or agency-status record concerning a publicly disclosed theft of City funds.

To the extent responsive records contain information genuinely made confidential by law, I do not object to appropriate redactions. This includes, for example, private account numbers, routing numbers, access-device numbers, passwords, social security numbers, dates of birth of private individuals, confidential criminal-history information, and other information expressly made confidential by statute. But those redactions should not be used to withhold the existence of the case, the basic offense information, the public narrative, or non-confidential records showing that MPPD received, opened, referred, investigated, or otherwise handled the incident.

VI. Public Audit Disclosures Weigh Against Blanket Withholding

The City's public audit disclosures are directly relevant to the scope of any legitimate withholding claim. The City's FY 2024 Single Audit identifies two material weaknesses in internal control over financial reporting, including Finding 2024-002. Finding 2024-002 states that the auditor observed theft of City funds by someone posing as an active vendor. It further states that the City lacked proper controls over its disbursements process to assure changes to vendor payment information were proper and accurate, and that the theft resulted in a $557,340 loss.

Those facts are already public. Public disclosure of those core facts does not mean every investigative detail must be released. But it does mean that the City should not be permitted to withhold basic offense information on the theory that the existence, nature, victim, general offense type, control weakness, or loss amount is confidential or law enforcement sensitive.

The appropriate remedy is narrow redaction, not categorical withholding.

VII. Segregability

If responsive records contain both protected and non-protected information, I respectfully request that ORD require the City to release the non-protected portions. For example:

1. Offense-report headers, report numbers, report dates, offense classifications, and disposition/status fields should be released unless specifically confidential
2. CAD/dispatch records should be released in redacted form to the extent they show non-sensitive call or incident information
3. Referral letters or interagency transmittals should be reviewed line by line and released with any sensitive investigative details redacted
4. Communications with other agencies should not be withheld categorically if portions can be released without interfering with law enforcement
5. Warrant, subpoena, or court-related materials should be reviewed for segregable public information, including any portions that have been filed with or made part of a public court record, while allowing redaction of confidential or law-enforcement-sensitive details
6. Records showing that MPPD opened, received, referred, closed, or assigned the matter should be released unless the City identifies a specific law making that information confidential

VIII. Procedural Compliance

The City's April 23 letter states that it will submit legal arguments and responsive information to ORD within five business days. I respectfully request that ORD ensure the City complies with Government Code §§ 552.301(e) and 552.301(e-1), including timely submission of:

1. Written comments explaining why each claimed exception applies
2. A copy of the written request
3. Evidence of the date the request was received
4. The specific responsive information or representative samples, labeled to show which exception applies to which portion
5. A copy to me of the City's written comments, redacted only to the extent necessary to avoid disclosing the substance of the information at issue

Because the City's April 23 notice states that only correspondence without enclosures was provided to me, I respectfully request that ORD confirm that any later written comments submitted by the City are provided to me as required by § 552.301(e-1).

If the City fails to comply with the applicable procedural requirements, I respectfully request that ORD apply the presumption of openness under Government Code § 552.302 and require release except for information for which a compelling confidentiality interest is established.

IX. Conclusion

For the reasons stated above, I respectfully request that the Open Records Division rule that the City and MPPD must release all basic information and all reasonably segregable non-exempt information responsive to my April 9, 2026 request. Any ruling permitting withholding should be limited to specific portions of records for which the City meets its burden under a specifically identified exception.

Respectfully submitted,

Kyle Douglas Moring

[redacted]

Certificate of Service

I certify that on April 24, 2026, I provided a copy of these requestor comments and accompanying exhibits to the City of Mount Pleasant and its counsel by email at the addresses listed below:

Austin R. Beck
Davidson Troilo Ream & Garza, P.C.
Counsel for City of Mount Pleasant
abeck@dtrglaw.com

April Nipp
City of Mount Pleasant
anipp@mpcity.org
anipp@mtpleasanttx.gov

_____

Kyle Douglas Moring

EXHIBIT 1

April 9, 2026 TPIA Request to MPPD

Original email request from requestor Kyle Moring

From: **Kyle Moring** [redacted]
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft
Date: April 9, 2026 at 12:52 PM
To: April Nipp anipp@mpcity.org
Cc: Austin Beck abeck@dtrglaw.com

KM

Good afternoon,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request access to and copies of records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report. The Single Audit reports theft of City funds by someone posing as an active vendor and a $557,340 loss. This request covers records created, received, or maintained from October 1, 2023 through the date of your search, to the extent they relate to that incident.

Requested Records

1. Any offense reports, incident reports, complaint reports, supplemental reports, case reports, or CAD/dispatch records maintained by MPPD concerning the incident, including any existing records showing the case number(s), date(s) reported, and disposition or status reflected in MPPD's files.
2. Any emails, letters, memoranda, referral records, or other communications between MPPD and any other law enforcement agency regarding the incident, including local, state, or federal agencies.
3. Any records in MPPD's possession reflecting investigative steps, referrals, subpoenas, warrant materials, or similar records relating to the incident, to the extent such records are public or may be released in part.
4. If any responsive record relates to an open or pending criminal investigation and you withhold portions of it, please release any basic or public-narrative information that is not excepted from disclosure.

Format and Delivery

Please provide electronic copies by email where possible, with PDF format preferred. If any responsive record exists only in paper form, please provide photocopies. If anticipated charges will exceed $40.00, please provide a written itemized estimate before processing the request further.

Response and Withholding Procedures

Please produce responsive information promptly. If the information cannot be produced within 10 business days, please provide the written notice required by Chapter 552 stating the reasonable date and time when the information will be available. If you contend that any responsive information is excepted from disclosure, please comply with the applicable Chapter 552 procedures for requesting an Attorney General ruling and providing the required notice to me.

With gratitude,

Kyle Moring
[redacted]

EXHIBIT 2

City Counsel Letter to OAG
Dated April 23, 2026

Davidson Troilo Ream & Garza, P.C., counsel for City of Mount Pleasant

DAVIDSON TROILO REAM GARZA PC

JOHN W. DAVIDSON ARTHUR TROILO *(1931-2020)* CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER
PATRICK W. LINDNER LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL R. JO RESER
PAUL M. GONZÁLEZ STEVEN M. PEÑA SCOTT J. SMYTH JESSIE LOPEZ RICHARD E. LINDNER
ARTHUR C. TROILO III NICONDRA CHARGOIS-ALLEN BETSY J. JOHNSON MOLLY G. SOLIS
HEATHER R. STARLING AUSTIN R. BECK JUSTIN J. NAIL E. SPENCER NEALY CHELSEA N. AMEN
OF COUNSEL TERRY TOPHAM

April 23, 2026

VIA EMAIL
Honorable Ken Paxton
Attorney General
ATTN: Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

RE: Public Information Exception Ruling –City of Mount Pleasant, Texas
TPIA Ruling Req. – K. Moring Request (Rec'd April 9, 2026)

Dear Mr. Paxton:

Our firm represents the City of Mount Pleasant ("**City**"), a Texas municipality that is subject to the requirements of Chapter 552 of the Texas Government Code (the "**TPIA**"). The City has received an open records request from Mr. Kyle Moring ("**Requestor**") for certain law enforcement records. The request was received on April 9, 2026. This ruling request is therefore timely because the 10-day deadline is April 23, 2026. The Requestor is seeking certain information that is in the possession of the City, but which the City believes may be excepted from disclosure at this time. A copy of this correspondence without enclosures has been provided to the Requestor.

The City has identified information responsive to the request, but is withholding some responsive information because the City believes the information may be excepted from required public disclosure pursuant to one or more exceptions under the TPIA. Within five (5) business days, the City will submit legal arguments to your office regarding applicable exceptions, as well as copies of the responsive information that the City believes are excepted from required public disclosure at this time pursuant to one or more of the TPIA, including but not limited to §552.101 and/or §552.108.

Thank you for your consideration of this matter. Please do not hesitate to call or write if our office can be of further assistance in resolving this request for an open records ruling.

Sincerely,

/s/ Austin Beck
Austin R. Beck

Enclosures: Exhibit "A" – Copy of TPIA Request

Copies w/o enclosures sent to:

Mr. Kyle Moring By Email: [redacted]
Requestor

EXHIBIT 3

Public FY 2024 Single Audit Excerpts
Finding 2024-002

City of Mount Pleasant, Texas - FYE September 30, 2024

SINGLE AUDIT REPORTS

City of Mount Pleasant, Texas

Fiscal Year Ended
September 30, 2024

or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2024-001 and 2024-002 to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Mount Pleasant, Texas' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully,



BrooksWatson & Co., PLLC
14950 Heathrow Forest Pkwy | Ste 530
Houston, TX 77032
July 8, 2025

Finding 2024-002:

Criteria: Management is responsible for assuring the security over their disbursements, and that vendors being paid are accurate.

Condition and Context: During the audit, the auditor observed theft of funds from the City by someone posing as an active vendor of the City.

Cause: The City lacked proper controls over their disbursements process to assure changes to vendor payment information was proper and accurate.

Effect or Potential Effect: This theft resulted in a loss to the City of $557,340 during the year ended September 30, 2024.

Recommendation: We suggest the City establish controls assuring all changes to vendor payment information are coming from authorized representatives of the vendor, and are authentic prior to initiation of any disbursements.

Responsible Official's Response: Management of the City will evaluate the deficiencies within this process and implement controls to assure this doesn't occur again.

III. FEDERAL AWARDS FINDINGS:

None.

City of Mount Pleasant, Texas

CORRECTIVE ACTION PLAN

For the Year Ended September 30, 2024

Audit Finding Reference: 2024-001

Planned Corrective Action:

We have begun to implement newly adopted policies and procedures to ensure that proper action is taken at year end. We anticipate having the issue corrected in the next fiscal year.

Anticipated Completion Date: To be addressed within the following fiscal year.

Name of Contact Person:

Gillian Gatewood
Finance Director
501 North Madison
Mount Pleasant, TX 75455-3650
Phone: 903-575-4000

Audit Finding Reference: 2024-002

Planned Corrective Action:

We have begun to implement new processes for vendor payment change requests.

Anticipated Completion Date: To be addressed within the following fiscal year.

Name of Contact Person:

Gillian Gatewood
Finance Director
501 North Madison
Mount Pleasant, TX 75455-3650
Phone: 903-575-4000

EXHIBIT 4

Public-Disclosure Matrix

Facts already public under the City's audit and the request record

Exhibit 4 — Public-Disclosure Matrix

Moring, Preliminary Requestor Comments Under Tex. Gov't Code § 552.304 (Apr. 24, 2026)

Public record	Fact already public	PIA relevance
FY 2024 Single Audit, internal-control report	Finding 2024-002 was identified as a material weakness.	Shows the matter is already a public audit issue.
FY 2024 Single Audit, Finding 2024-002	The auditor observed theft of City funds by someone posing as an active vendor of the City.	Shows the general offense type and public victim are already disclosed.
FY 2024 Single Audit, Finding 2024-002	The City lacked proper controls over vendor-payment-information changes.	Shows the general control-failure category is already public.
FY 2024 Single Audit, Finding 2024-002	The theft resulted in a $557,340 loss to the City during FYE September 30, 2024.	Shows the public loss amount is already disclosed.
April 9, 2026 TPIA request	The request expressly sought basic/public-narrative information if any responsive record relates to an open investigation.	Shows the requestor is not demanding unrestricted release of sensitive investigative details.

EXHIBIT F

Attorney General PIA e-filing receipt

DATE	April 24, 2026
AUTHOR	Office of the Attorney General, e-filing system
RECIPIENT	Kyle Douglas Moring (requestor)
EXTENT	1 page
LOCATION	Binder page 39 of 61

RELEVANCE TO THIS COMPLAINT

Independent proof that the requestor's § 552.304 comments were timely filed and accepted. Tracking ID OR26021028; Texas.gov Request ID [redacted]

From: AMS.amssystem2@oag.texas.gov
Subject: OAG PIA eFiling Submission Receipt [redacted]
Date: April 24, 2026 at 12:30 PM
To: [redacted]
Cc: openrecordssubmis@oag.texas.gov

Office of the Attorney General—Texas
Public Information Act Electronic Filing System

NOTE: Any replies to this email will be automatically discarded.

Thank you for using the OAG's PIA Electronic Filing System.

This email serves as confirmation of receipt of the materials submitted through our Electronic Filing System. Please save a copy of this e-mail as a record of the identification numbers assigned to your submission, as well as a record of the date your materials were received by the OAG. In future communications with the OAG, please refer to the OAG Tracking ID provided below.

- OAG Tracking ID: **OR26021028**
- Texas.gov Request ID: [redacted]
- Governmental Body PIC ID: **K Moring**
- Receipt of Submission Date (CTZ): **04/24/2026 12:23:44 PM**
- Files Received:
    - OR-26-020929-RR_Moring_Preliminary_Requestor_Comments_552304_2026-04-24.pdf

This confirmation merely confirms receipt by **the OAG** of the materials uploaded by **you** on the submission date listed above. It is not a confirmation that the materials you submitted are legally sufficient or satisfy the requirements of the Public Information Act, Texas Government Code Ch. 552.

If you have any questions about this email, please call 1-877-673-6839.

This online service sends notices via electronic mail as a convenience only. The service does not guarantee receipt of the message nor does the message constitute an official receipt. The service will assume no liability for any damages or loss of any kind that may arise from the failure to receive the notice on a timely basis. If you are not the intended recipient, please delete this copy from your system.

EXHIBIT G

Requestor email concerning nonreceipt of the City's written comments

DATE	May 4, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	Austin R. Beck, counsel for the City
EXTENT	3 pages
LOCATION	Binder pages 41–43 of 61

RELEVANCE TO THIS COMPLAINT

First written notice to counsel that the City's § 552.301(e-1) comments had not been received. Documents the requestor's diligence and the City's silence during the ruling period.

From: Kyle Moring [redacted]
Subject: Re: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft
Date: May 4, 2026 at 8:29 AM
To: Austin Beck abeck@dtrglaw.com
Cc: April Nipp anipp@mpcity.org, Candias Webster cwebster@mtpleasanttx.gov

KM

Good morning,

I have not received the City's written comments referenced in the April 23, 2026 ruling request letter regarding OAG ID No. OR-26-020929-RR.

The April 23 letter stated that the City would submit legal arguments to the Open Records Division within five business days. Please confirm whether the City has submitted its written comments and 15-business-day materials to ORD under Government Code § 552.301(e), including the date and method of submission.

Please also provide me with the requestor copy of the City's written comments required by Government Code § 552.301(e-1), redacted only to the extent permitted by statute. I am not requesting the confidential responsive records or representative samples submitted to ORD; I am requesting the copy of the City's written legal comments that § 552.301(e-1) requires be provided to the requestor.

If the comments were already sent by mail or another method, please resend a copy by email.

Respectfully,

Kyle Moring

[redacted] | [redacted]

> On Apr 24, 2026, at 12:32 PM, Kyle Moring [redacted] wrote:
>
> Good afternoon,
>
> I e-filed the attached preliminary requestor comments and accompanying exhibits today with the Texas Attorney General Open Records Division under Government Code § 552.304.
>
> This filing concerns OAG ID No. OR-26-020929-RR and the City of Mount Pleasant/Mount Pleasant Police Department ruling request regarding my April 9, 2026 TPIA request for MPPD records concerning the FY 2024 vendor-impersonation theft/Finding 2024-002.
>
> Consistent with Government Code § 552.304 and the certificate of service included in the filing, I am providing the City and its counsel a copy of the same materials submitted to the Open Records Division. The attachment includes my preliminary requestor comments and Exhibits 1–4.
>
> Please provide me with the City's written comments submitted to the Open Records Division under Government Code § 552.301(e)(1)(A), as required by § 552.301(e-1), redacted only to the extent permitted by statute.
>
> Respectfully,
>
> Kyle Moring
> [redacted] | [redacted]
>
> <OR-26-020929-RR_Moring_Preliminary_Requestor_Comments_552304_2026-04-24.pdf>
>
> > On Apr 23, 2026, at 7:30 PM, Austin Beck <abeck@dtrglaw.com> wrote:
> >
> > Good evening Mr. Moring:
> >
> > Our Firm represents the City of Mount Pleasant, Texas ("City"). Attached please find a copy of correspondence submitted today to the Office of the Attorney General regarding an open records request received by the City from you on April 9, 2026.
> >
> > Regards,
> >
> > Austin Beck
> > <image001.jpg>
> > 601 NW Loop 410 Suite 100

601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIAL NOTICE: The information in this e-mail may be confidential and/or privileged. This e-mail is intended to be reviewed by only the individual or individuals named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e-mail or the information contained herein is prohibited. If you received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your system.

From: Kyle Moring [redacted]
Sent: Thursday, April 9, 2026 12:52 PM
To: April Nipp <anipp@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft

Good afternoon,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request access to and copies of records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report. The Single Audit reports theft of City funds by someone posing as an active vendor and a $557,340 loss. This request covers records created, received, or maintained from October 1, 2023 through the date of your search, to the extent they relate to that incident.

Requested Records

1. Any offense reports, incident reports, complaint reports, supplemental reports, case reports, or CAD/dispatch records maintained by MPPD concerning the incident, including any existing records showing the case number(s), date(s) reported, and disposition or status reflected in MPPD's files.
2. Any emails, letters, memoranda, referral records, or other communications between MPPD and any other law enforcement agency regarding the incident, including local, state, or federal agencies.
3. Any records in MPPD's possession reflecting investigative steps, referrals, subpoenas, warrant materials, or similar records relating to the incident, to the extent such records are public or may be released in part.
4. If any responsive record relates to an open or pending criminal investigation and you withhold portions of it, please release any basic or public-narrative information that is not excepted from disclosure.

Format and Delivery
Please provide electronic copies by email where possible, with PDF format preferred. If any responsive record exists only in paper form, please provide photocopies. If anticipated charges will exceed $40.00, please provide a written itemized estimate before processing the request further.

Response and Withholding Procedures
Please produce responsive information promptly. If the information cannot be produced within 10 business days, please provide the written notice required by Chapter 552 stating the reasonable date and time when the information will be available. If you contend that any responsive information is excepted from disclosure, please comply with the applicable Chapter 552 procedures for requesting an Attorney General ruling and providing the required notice to me.

With gratitude,
Kyle Moring
[redacted] | [redacted]
<4.23.26-10-day_TPIA_Ltr_(Mt Pleasant)(Moring).pdf>

EXHIBIT H

Requestor follow-up email notifying the City of the supplemental filing

DATE	May 5, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	Austin R. Beck, counsel for the City
EXTENT	4 pages
LOCATION	Binder pages 45–48 of 61

RELEVANCE TO THIS COMPLAINT

Confirms the City and its counsel received contemporaneous notice of the supplemental filing to the Open Records Division. Forecloses any claim of surprise regarding the § 552.301 compliance issue.

From: Kyle Moring [redacted]
Subject: Re: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft
Date: May 5, 2026 at 6:21 AM
To: Austin Beck abeck@dtrglaw.com
Cc: April Nipp anipp@mpcity.org, Candias Webster cwebster@mtpleasanttx.gov

KM

Good morning,

I e-filed the attached supplemental requestor notice today with the Texas Attorney General Open Records Division under Government Code § 552.304.

This supplemental filing concerns OAG ID No. OR-26-020929-RR and my nonreceipt of the City's written comments required to be provided to the requestor under Government Code § 552.301(e-1). The supplemental notice is limited to that procedural issue and does not request the confidential responsive records or representative samples submitted to ORD for review.

Consistent with the certificate of service included in the filing, I am providing the City and its counsel a copy of the same supplemental notice submitted to the Open Records Division.

Please provide me with the City's written comments submitted to ORD under Government Code § 552.301(e)(1)(A), redacted only to the extent permitted by § 552.301(e-1). If those comments have already been sent by another method, please resend them by email.

Respectfully,

Kyle Moring
[redacted] | [redacted]

OR-26-020929-RR_Moring_Supplemental_Noti...

> On May 4, 2026, at 8:29 AM, Kyle Moring [redacted] wrote:
>
> Good morning,
>
> I have not received the City's written comments referenced in the April 23, 2026 ruling request letter regarding OAG ID No. OR-26-020929-RR.
>
> The April 23 letter stated that the City would submit legal arguments to the Open Records Division within five business days. Please confirm whether the City has submitted its written comments and 15-business-day materials to ORD under Government Code § 552.301(e), including the date and method of submission.
>
> Please also provide me with the requestor copy of the City's written comments required by Government Code § 552.301(e-1), redacted only to the extent permitted by statute. I am not requesting the confidential responsive records or representative samples submitted to ORD; I am requesting the copy of the City's written legal comments that § 552.301(e-1) requires be provided to the requestor.
>
> If the comments were already sent by mail or another method, please resend a copy by email.
>
> Respectfully,
>
> Kyle Moring
>
> [redacted] | [redacted]
>
> > On Apr 24, 2026, at 12:32 PM, Kyle Moring [redacted] wrote:
> >
> > Good afternoon,
> >
> > I e-filed the attached preliminary requestor comments and accompanying exhibits today with the Texas Attorney General Open Records Division under Government Code § 552.304.
> >
> > This filing concerns OAG ID No. OR-26-020929-RR and the City of Mount Pleasant/Mount Pleasant Police Department ruling request regarding my April 9, 2026 TPIA request for MPPD records concerning the FY 2024 vendor-impersonation theft/Finding 2024-002.
> >
> > Consistent with Government Code § 552.304 and the certificate of service included in the filing, I am providing the City and its counsel a copy of the same materials submitted to the Open Records Division. The attachment includes my preliminary requestor comments and Exhibits 1–4.
> >
> > Please provide me with the City's written comments submitted to the Open Records Division under Government Code § 552.301(e)(1)(A), as required by § 552.301(e-1), redacted only to the extent permitted by statute.

Respectfully,

Kyle Moring
[redacted]

<OR-26-020929-RR_Moring_Preliminary_Requestor_Comments_552304_2026-04-24.pdf>

On Apr 23, 2026, at 7:30 PM, Austin Beck <abeck@dtrglaw.com> wrote:

Good evening Mr. Moring:

Our Firm represents the City of Mount Pleasant, Texas ("City"). Attached please find a copy of correspondence submitted today to the Office of the Attorney General regarding an open records request received by the City from you on April 9, 2026.

Regards,

Austin Beck
<image001.jpg>
601 NW Loop 410 Suite 100
San Antonio, Texas 78216
210-349-6484 Main Office
210-442-2343 Direct
210-349-0041 Fax
www.dtrglaw.com

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIAL NOTICE: The information in this e-mail may be confidential and/or privileged. This e-mail is intended to be reviewed by only the individual or individuals named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e-mail or the information contained herein is prohibited. If you received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your system.

From: Kyle Moring [redacted]
Sent: Thursday, April 9, 2026 12:52 PM
To: April Nipp <anipp@mpcity.org>
Cc: Austin Beck <abeck@dtrglaw.com>
Subject: TPIA Request – MPPD Records Concerning FY 2024 Vendor-Impersonation Theft

Good afternoon

Good afternoon,

Pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request access to and copies of records already in existence and maintained by the Mount Pleasant Police Department concerning the incident described in the City's FY 2024 Single Audit as Finding 2024-002 and in the City's FY 2024 Annual Comprehensive Financial Report. The Single Audit reports theft of City funds by someone posing as an active vendor and a $557,340 loss. This request covers records created, received, or maintained from October 1, 2023 through the date of your search, to the extent they relate to that incident.

Requested Records

1. Any offense reports, incident reports, complaint reports, supplemental reports, case reports, or CAD/dispatch records maintained by MPPD concerning the incident, including any existing records showing the case number(s), date(s) reported, and disposition or status reflected in MPPD's files.
2. Any emails, letters, memoranda, referral records, or other communications between MPPD and any other law enforcement agency regarding the incident, including local, state, or federal agencies.
3. Any records in MPPD's possession reflecting investigative steps, referrals, subpoenas, warrant materials, or similar records relating to the incident, to the extent such records are public or may be released in part.
4. If any responsive record relates to an open or pending criminal investigation and you withhold portions of it, please release any basic or public-narrative information that is not excepted from disclosure.

Format and Delivery

Please provide electronic copies by email where possible, with PDF format preferred. If any responsive record exists only in paper form, please provide photocopies. If anticipated charges will exceed $40.00, please provide a written itemized estimate before processing the request further.

Response and Withholding Procedures

Please produce responsive information promptly. If the information cannot be produced within 10 business days, please provide the written notice required by Chapter 552 stating the reasonable date and time when the information will be available. If you contend that any responsive information is excepted from disclosure, please comply with the applicable Chapter 552 procedures for requesting an Attorney General ruling and providing the required notice to me.

With gratitude,

Kyle Moring

[redacted] | [redacted]

<4.23.26-10-day_TPIA_Ltr_(Mt Pleasant)(Moring).pdf>

EXHIBIT I

Supplemental notice of nonreceipt of the City's § 552.301(e-1) comments

DATE	May 5, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	Office of the Attorney General, Open Records Division
EXTENT	4 pages
LOCATION	Binder pages 50–53 of 61

RELEVANCE TO THIS COMPLAINT

Placed the City's § 552.301 noncompliance squarely before the Open Records Division before the ruling issued. The June 30 ruling rests on the same failure this notice identified.

May 5, 2026

Via OAG Open Records Division E-Filing System

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Re: Supplemental Requestor Notice of Nonreceipt of City's Written Comments Under Government Code § 552.301(e-1)

Governmental Body: City of Mount Pleasant / Mount Pleasant Police Department

Requestor: Kyle Douglas Moring

Request Date/Receipt Date Stated by City: April 9, 2026

City Counsel Letter: April 23, 2026

Prior Requestor Comments Filed: April 24, 2026

Subject: MPPD Records Concerning FY 2024 Vendor-Impersonation Theft / Finding 2024-002

OAG ID No.: OR-26-020929-RR

Dear Open Records Division:

I am the requestor in the above-referenced Texas Public Information Act matter. I submit this supplemental notice under Government Code § 552.304 to inform the Open Records Division that, as of the date of this filing, I have not received the City of Mount Pleasant's written comments required to be provided to the requestor under Government Code § 552.301(e-1).

This supplemental filing is limited to the City's apparent non-service of its written comments. I am not asking ORD to provide me with the confidential responsive records or representative samples submitted for in camera review. I am requesting only that ORD consider whether the City has complied with the procedural requirements of Government Code §§ 552.301(e) and 552.301(e-1).

I. Procedural Background

On April 9, 2026, I submitted a Texas Public Information Act request to the City of Mount Pleasant / Mount Pleasant Police Department for records concerning MPPD records related to the FY 2024 vendor-impersonation theft disclosed in the City's audit materials as Finding 2024-002.

On April 23, 2026, City counsel submitted a ruling-request letter to ORD. That letter states that the City received my request on April 9, 2026, identified responsive information, and believed some responsive information may be excepted from disclosure, including but not limited to Government Code §§ 552.101 and/or 552.108. The City's April 23 letter also states that "[a] copy of this correspondence without enclosures has been provided to the Requestor" and that, within five business days, the City would submit legal arguments and copies of responsive information to ORD.

On April 24, 2026, I filed preliminary requestor comments under Government Code § 552.304. In those comments, I expressly stated that I had not yet received the City's full written comments under Government Code § 552.301(e-1) and reserved the right to submit supplemental comments after receiving the City's written arguments.

As of 7:20 p.m. Central on May 4, 2026, and as of the filing of this supplemental notice on May 5, 2026, I have not received from the City or its counsel any copy of the City's written comments stating why the claimed exceptions apply. I have not received a redacted copy of those comments, a confirmation that the comments were served by another method, or a response to my request that the City provide the requestor copy required by § 552.301(e-1).

II. Requestor Copy Required by § 552.301(e-1)

Government Code § 552.301(e) requires a governmental body requesting an Attorney General decision to submit written comments explaining why the stated exceptions apply, a copy of the written request, evidence of the date the request was received, and the records at issue or representative samples.

Government Code § 552.301(e-1) requires the governmental body to provide the requestor a copy of the governmental body's written comments submitted under § 552.301(e)(1)(A), redacted only to the extent necessary to avoid disclosing the substance of the information at issue.

The requestor-copy requirement is important because it allows the requestor to respond meaningfully under Government Code § 552.304 before ORD issues a ruling. Without the City's written comments, I cannot know the specific basis for the City's §§ 552.101 and/or 552.108 claims, whether the City is relying on its own law enforcement interest or another agency's law enforcement interest, whether the City is asserting any additional exceptions, or whether the City has made the particularized showing required for withholding.

III. Requested Action

I respectfully request that ORD consider whether the City has complied with Government Code §§ 552.301(e) and 552.301(e-1), including whether the City timely provided me with a copy of its written comments.

If the City has not timely submitted the required 15-business-day materials to ORD, or has not timely provided the required requestor copy of its written comments, I respectfully request that ORD apply the presumption of openness under Government Code § 552.302 and require release of the requested information except for information for which the City demonstrates a compelling reason to withhold.

If ORD has received the City's written comments but the City has not provided the requestor copy required by § 552.301(e-1), I respectfully request that ORD either require the City to provide me a copy of those comments, redacted only as permitted by statute, or consider the City's non-service when evaluating the City's claimed exceptions.

I also respectfully request that ORD permit me to submit supplemental requestor comments after I receive the City's written comments, if any, and before ORD issues its ruling.

IV. No Waiver of Prior Arguments

This supplemental notice does not waive or replace my April 24, 2026 preliminary requestor comments. I continue to request that ORD require release of all basic information under Government Code § 552.108(c), all reasonably segregable non-exempt portions of responsive records, and any information for which the City fails to meet its burden under a specifically identified exception.

Respectfully submitted,

Kyle Douglas Moring
[redacted] | [redacted]

Certificate of Service

I certify that on May 5, 2026, I provided a copy of this supplemental requestor notice to the City of Mount Pleasant and its counsel by email at the addresses listed below:

Austin R. Beck
Davidson Troilo Ream & Garza, P.C.
Counsel for City of Mount Pleasant
abeck@dtrglaw.com

April Nipp
City of Mount Pleasant
anipp@mpcity.org
anipp@mtpleasanttx.gov

_____
Kyle Douglas Moring

EXHIBIT J

Texas.gov confirmation of the supplemental e-filing submission

DATE	May 5, 2026
AUTHOR	Texas.gov e-filing system
RECIPIENT	Kyle Douglas Moring (requestor)
EXTENT	1 page
LOCATION	Binder page 55 of 61

RELEVANCE TO THIS COMPLAINT

Independent confirmation of payment and receipt of the supplemental filing. Completes the requestor's record of timely participation in the ruling process.

From: texas.donotreply@texasonline.state.tx.us
Subject: Confirmation of Receipt of your OAG Efiling Payment and Submission
Date: May 5, 2026 at 6:15 AM
To: [redacted]

Thank you for using the Texas Attorney General Public Information Act Electronic Filing System. Save this e-mail for your records. This email serves as confirmation of your payment and submission of materials to the attorney general's office. This email also serves as a record of the Texas.gov Request ID required to upload additional materials to your request. Payments are generally processed within 24 hours. Payments made over the weekend or on a holiday will be processed the next business day.

- Texas.gov Request ID: [redacted]
- Governmental Body PIC ID: K Moring
- Trace Number: [redacted]
- Transaction Date (CST): 5/5/2026 6:15:04 AM
- Total Amount Paid: $5.00

EXHIBIT K

Open Records Letter Ruling OR2026-027532

DATE	June 30, 2026
AUTHOR	Office of the Attorney General, Open Records Division
RECIPIENT	Austin R. Beck, counsel for the City of Mount Pleasant; copy to requestor
EXTENT	2 pages
LOCATION	Binder pages 57–58 of 61

RELEVANCE TO THIS COMPLAINT

The operative ruling. The Attorney General found the City failed to comply with § 552.301 because it never submitted the information for review, held the information presumed public under § 552.302, and ordered it released. The ruling states the City must file suit under § 552.324 if it contends the information cannot lawfully be released.

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2026

Mr. Austin R. Beck
Counsel for the City of Mount Pleasant
Davidson Troilo Ream Garza
601 North West Loop 410 Suite 100
San Antonio, Texas 78216

OR2026-027532

Dear Mr. Beck:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 26-020929.

The City of Mount Pleasant (the "city"), which you represent, received a request for information related to a specified incident. You claim the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

We must address the city's obligations under the Act. Section 552.301 of the Government Code prescribes the procedures a governmental body must follow in asking this office to decide whether requested information is excepted from public disclosure. *See id.* § 552.301. Pursuant to section 552.301(e), a governmental body is required to submit to this office within fifteen business days of receiving an open records request (1) written comments stating the reasons why the claimed exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, (3) a signed statement or sufficient evidence showing the date the governmental body received the written request, and (4) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. *Id.* § 552.301(e)(1)(A)-(D). In this instance, you state the city received the request for information on April 9, 2026. As of the date of this letter, you have not submitted for our review a copy or representative sample of the information requested**.** Consequently, we find the city failed to comply with the requirements of section 552.301 of the Government Code.

Pursuant to section 552.302 of the Government Code, a governmental body's failure to comply with the procedural requirements of section 552.301 results in the legal presumption that the requested information is public and must be released unless there is a compelling reason to withhold the information from disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins*., 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ). Although the city raises exceptions to disclosure, because you have not submitted the requested information for our review, we have no basis for finding any of the information excepted from disclosure. Thus, we have no choice but to order the requested information released pursuant to section 552.302. If you believe the information may not lawfully be released, you must challenge this ruling in court pursuant to section 552.324 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Garon Hunt
Assistant Attorney General
Open Records Division

GH/tb

Ref: ID# 26-020929

c: Requestor

EXHIBIT L

Requestor demand for prompt production following the ruling

DATE	July 4, 2026
AUTHOR	Kyle Douglas Moring (requestor)
RECIPIENT	Candias Webster and April Nipp, City of Mount Pleasant; copies to City Manager, City Council, and counsel Austin R. Beck and Lea A. Ream
EXTENT	2 pages
LOCATION	Binder pages 60–61 of 61

RELEVANCE TO THIS COMPLAINT

Establishes the City's actual notice of OR2026-027532 and its continuing failure to act. The requestor transmitted the ruling to City administration and Council, demanded production, and set a deadline of 5:00 p.m. Central on July 8, 2026 for the City to produce the records, provide a production schedule, provide an itemized cost estimate, or confirm suit under § 552.324. The City did none of the four. This exhibit closes the gap between the June 30 ruling and the date of this complaint.

From: **Kyle Moring** [redacted]
Subject: OAG Letter Ruling OR2026-027532 – Demand for Prompt Production of April 9, 2026 TPIA Records
Date: July 4, 2026 at 1:29 PM
To: Candias Webster cwebster@mtpleasanttx.gov, April Nipp anipp@mpcity.org
Cc: Rob Vine rvine@mtpleasanttx.gov, Austin Beck abeck@dtrglaw.com, Lea Ream lream@dtrglaw.com, Wesley Lyon wlyon@mtpleasanttx.gov, Carl Hinton chinton@mtpleasanttx.gov, Debbie Corbell dcorbell@mtpleasanttx.gov, Kelly Redfearn kredfearn@mtpleasanttx.gov, Jonathan Hageman jhageman@mtpleasanttx.gov

Good afternoon,

I am notifying City administration and the City Council of the Attorney General's June 30, 2026 letter ruling in **OR2026-027532 / ID# 26-020929**, concerning my April 9, 2026 Texas Public Information Act request for Mount Pleasant Police Department records related to the FY 2024 vendor-impersonation theft / Finding 2024-002.

The OAG ruling is attached.

The ruling states that the City claimed the requested information was excepted from disclosure under Government Code §§ 552.101 and 552.108. However, the ruling also states that, as of the date of the OAG letter, counsel for the City had not submitted a copy or representative sample of the requested information for OAG review. As a result, the OAG found that the City failed to comply with Government Code § 552.301.

The OAG further held that, because the City failed to comply with § 552.301, the requested information is presumed public under § 552.302. The OAG stated that it had no basis to find any of the requested information excepted from disclosure and therefore had "no choice but to order the requested information released pursuant to section 552.302."

This is a serious procedural failure. On April 23, 2026, the City's outside counsel represented to the OAG that the City had identified responsive information and would submit legal arguments and copies of the responsive information within five business days. The OAG's June 30 ruling states that the required information had not been submitted for review as of the date of the ruling.

Accordingly, I demand prompt production of all records responsive to my April 9, 2026 TPIA request.

Please produce the responsive records electronically in native or exportable electronic format where the records are maintained electronically. For email records, please produce the messages in native **.msg** or **.eml** format, with attachments preserved in their native format and associated metadata maintained to the extent it exists in the ordinary course, including sender, recipients, cc/bcc, subject, date/time, message ID, folder path if available, and attachment information. If the City's ordinary export process uses a **.pst** file, a **.pst export** limited to responsive email records is acceptable.

For non-email electronic records, please produce them in the format in which they are maintained or in a reasonably usable export format. For records that exist only in paper form, scanned PDF copies are acceptable.

Please do not substitute flattened PDF printouts for native email records unless the City contends in writing that it lacks the technological ability to produce the records in **.msg**, **.eml**, or responsive **.pst** format, that production would require the purchase of new software or hardware, or that production would violate a copyright agreement. I understand, including from information provided by the City's IT vendor, that the City has the technical capability to export email records in native or near-native format, including **.msg**, **.eml**, or **.pst** format.

If the City contends that any information still may not lawfully be released, please provide written confirmation that the City has filed suit challenging the OAG ruling under Government Code § 552.324, including the court, cause number, filing date, and a copy of the petition.

Absent such a court challenge, the OAG has ordered the requested information released. The City should not continue withholding the records under §§ 552.101 or 552.108 after the OAG has ruled that the City failed to comply with the Act and that the information must be released.

Please provide one of the following no later than **5:00 p.m. Central Time on Wednesday, July 8, 2026**:

1. The responsive records in the native or exportable electronic format requested above.
2. If immediate production cannot be completed, a written production date, time, delivery method, and production format.
3. An itemized cost estimate, if the City contends lawful charges apply before production.
4. Written confirmation that the City has filed suit under § 552.324 to challenge the ruling.

Please also preserve all records concerning the City's handling of my April 9, 2026 TPIA request, including communications among the City, MPPD, City administration, the City Secretary's Office, the City's IT personnel or IT vendor, and outside counsel regarding the request, the decision to seek an OAG ruling, the failure to submit the required records or representative samples to the OAG, the City's response to the June 30, 2026 ruling, and the format in which responsive electronic records can be exported or produced.

This matter concerns both a publicly disclosed theft of City funds and a separate failure to comply with the procedural requirements of the Texas Public Information Act. I am copying City leadership so the City can ensure immediate compliance and appropriate oversight.

To avoid any Texas Open Meetings Act issues, Councilmembers need not reply all. I ask that the City Manager, City Secretary, Public Information Officer, or another designated City representative provide the City's official response.

I hope you all have a safe and happy Independence Day.

With gratitude,

Kyle Moring
[redacted] | kdmoring@icloud.com

[redacted] | [redacted]

