From: Kyle Moring [redacted]
Subject: Request for Legislative Oversight & Coordination — Walmart #131 (Mount Pleasant): Food/Workplace Safety & Records Issues
Date: October 7, 2025 at 1:21 PM
To: bryan.hughes@senate.texas.gov, cole.hefner@house.texas.gov

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Representative Hefner and Senator Hughes,

Executive Summary: I respectfully request your oversight and coordination regarding ongoing food safety and workplace safety concerns at **Walmart Store #131 (2311 S. Jefferson Ave., Mount Pleasant, TX),** as well as the lack of effective enforcement by the City of Mount Pleasant and the Texas Department of State Health Services (DSHS). Despite repeated complaints and documentation—some originating from USDA/FSIS referrals—the City has issued same-day "no violations" close-outs without numeric temperature or calibration evidence, while serious refrigeration, water intrusion, and sanitation issues persisted. Citizens of Mount Pleasant deserve a place to shop without fear of purchasing contaminated or adulterated food or being injured by unsafe conditions in the store.

Why your involvement is needed

1. **Public health risk and record deficiencies**

   - On July 28, 2025, DSHS substantiated contamination during roof work (debris on/near food; pests; multiple hand-wash sinks below proper temperature; lack of thermometers/test strips), with short correction timeframes.

   - On September 16, 2025, after USDA/FSIS forwarded a new consumer complaint to DSHS and DSHS relayed it to the City, the City supervisor directed the inspector to "**take pictures of cold holds, and document all temperature.**" By 3:55 PM the same day, the City reported "**No violations … No further follow up is required**." The City's letter generated for that visit uses violation-notice formatting, yet states "**Observed no present violations**" and includes no numeric temperature or calibration evidence. Inspection photos were provided only as a PDF compilation (**no native metadata**).

   - My dated photo/video observations from September 16–October 02, 2025, show persistent refrigeration leaks, pooled water, absorbent socks at case bases (including near electrical receptacles), and repeat TCS concerns—conditions inconsistent with a same-day "no violations" determination.

2. **Prior pattern, conflicting outcomes**

   - The City's July 09, 2025 report explicitly noted **TCS not ≤ 41°F** but recorded **no measured temperatures**.

   - The City's August 20, 2025 follow-up letter again concluded **"no items in violation."**

   - On September 02, 2025, DSHS closed my earlier complaint as being handled locally; the FSIS eCCF later forwarded on September 16, 2025, lists **"Date Incident Occurred: 09/02/2025."**

   - Meanwhile, the City's documentation quality (temperature logs, calibration, native photo evidence) remains **insufficient** for temperature-based complaints.

3. **Related compliance concerns affecting public trust and City finances**

   - **Open Records handling/costs:** I have documented misapplied PIA cost rules (duplicate-inflated page counts, incorrect overhead math, "prepay to inspect" language, and the misuse of "previously furnished" certifications to avoid producing later-dated records), now the subject of an OAG cost-rules complaint and refund demand.

   - **Permits/valuations/fees:** There are indications of incorrect valuations and fee assessments on major work at the store, with potential under-collection that harms City revenues (details available in my exhibits).

4. **Parallel proceedings to coordinate**

   - **OSHA Enforcement** is active at this store, and there is an active **OSHA whistleblower complaint under 11(c)/FSMA**.

   - A complaint has been filed with **TDLR** regarding City Code Enforcement Officers.

   - **Federal:** On September 24, 2025, I contacted U.S. Representative Nathaniel Moran's office regarding the OSHA enforcement inspection; his staff advised they had reached out to DOL leadership. I understand that federal actions may be delayed during the current funding

lapse, and I request that the State proceed with the public health items within its purview while coordinating with federal partners.

Coordinated state oversight can ensure that public health verification does not conflict with worker protection investigations and that licensing/credentialing standards for City personnel are confirmed.

Specific legislative oversight actions requested

1. **Oversight letter to DSHS (Commissioner and program leadership).**
    - Direct **immediate review** of the City's September 16, 2025 file and require **supplementation** with:
        - **Numeric temperature measurements** (product/case) and **thermometer-calibration verification** from that visit;
        - **Native photo files** (original resolution with metadata) tied to the visit.
    - If such documentation **does not exist**, direct DSHS to conduct a **state-led re-inspection** (unannounced as appropriate) focused on cold holding (TCS), hand sink verification, case drainage/leak management, and sanitation.
    - Require DSHS to **correct/annotate its firm file** so that the City's "no violations" conclusion is not treated as verified without evidence.
    - Ask DSHS to designate a **single point of contact** and provide a written timeline for action.
1. **Oversight letter to the City of Mount Pleasant (City Manager/Mayor)**
    - Require the City to produce any **field notes**, **numeric temperatures**, **calibration checks**, and **native photos** for all complaint-driven visits since July 2025 or certify their non-existence.
    - Require the City to explain the use of violation-notice formatting in letters that simultaneously state **"no present violations."**
    - Request a records-handling plan that aligns with the Texas PIA (electronic production by default; no "prepay to inspect" demands; correct cost calculations; no misuse of "previously furnished" to avoid later-dated items).
    - Request a fee/valuation reconciliation for permits issued to the store (methodology, ordinance/policy basis, and any adjustments), with disclosure of revenue deltas if under-collection occurred.
    - Instruct the City to issue a document preservation notice (litigation hold) to the relevant staff.
2. **TDLR coordination (Code Enforcement Officers)**
    - Ask TDLR to **verify licensing and registration**, as well as any **required training/supervision,** for City personnel performing food complaint inspections or code-related tasks at the store, and to report back on compliance.
3. **Inter-agency coordination request**
    - Ask DSHS, TDLR, and OSHA to designate liaisons, share non-confidential status updates, and deconflict site access.
    - Encourage **USDA/FSIS** to annotate the related eCCFs as **"disputed/unverified"** until temperature evidence or a DSHS re-inspection resolves the discrepancies.
4. **Reporting timeline to your offices and the public**
    - Request written updates to your offices within 15 business days, then monthly until closure, summarizing actions taken, evidence obtained, enforcement outcomes, and any required corrections to the public record.

Attachments/evidence links (for staff review)

- **Read-only binder (refrigeration observations, Sept 16–Oct 02, 2025):** [redacted]