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May 22, 2026

Kyle Moring

Re: PIA Complaint Against City of Mount Pleasant (final)

The Texas Office of the Attorney General (OAG) is in receipt of a complaint filed by you against the City of Mount Pleasant (CMP) for alleged violation(s) of the Public Information Act (PIA). As required by Government Code Section 552.3215, this office must determine whether the alleged violation(s) were committed, determine whether action will be brought under the PIA, and notify the complainant in writing of our determinations. In addition, should this office elect to not bring an action pursuant to Section 552.3215 of the PIA, we are required to provide a statement giving you the basis for such a determination and return the complaint.

Background

Based on the information you provided, it appears that the following timeline outlines the relevant events concerning your request:

7/18/25	Request made to CMP for code compliance records for Walmart Store.
7/31/25	Request made to CMP for commercial building permits issued during specified time period. Cost complaint OR-25-036830-CC filed on 8/19/25.
9/4/25	Request made to CMP for authority, training and SOP's for food establishment inspections. Cost complaint OR-25-044070-CC filed on 9/27/25.
10/22/25	CMP certified that all responsive records had been released for request for code compliance records for Walmart store.
10/29/25	Request made to CMP for meetings or site visits with Walmart store management.
11/12/25	Request made to CMP for payments and supporting records related to two city vendors in 2025. Cost complaint OR-25-055852-CC filed on 12/3/25.

11/13/25	Request made to CMP for communications, records, and case documents for Walmart store.
11/25/25	Request made to CMP for all records related to ordinance 2025-24.
11/26/25	Request made to CMP for records reflecting city's public records request activity in 2024 and 2025.
12/4/25	Request made to CMP for Chief Buhman's personal cell phone history and voicemail logs for specified time period.
	Request made to CMP for call detail records of Mount Pleasant Police Department (MPPD) phone lines.
12/30/25	Request made to CMP for all Walmart related communications during specified period. Cost complaint OR-26-006366-CC filed on 2/9/26.
	Request made to CMP for all Moring OSHA related documents. Cost complaint OR-26-006367-CC filed on 2/9/26.
1/13/26	Request made to CMP for all records related to city's visit/inspection with Walmart store on 1/13/26.
2/8/26	Request made to CMP for all agency correspondence records.
2/9/26	Request made to CMP for all emails of Deputy Fire Chief Rodriguez concerning Walmart store; plans he referenced; subsequent emails on threads.
	Request made to CMP for search methodology records.
2/13/26	Request made to CMP for records related to 1/9/26 Mount Pleasant Fire Department inspection of Walmart.
2/14/26	Request made to CMP city attorney for all communications referencing Moring and Walmart during specified period.
2/24/26	CMP requests ruling on 2/9/26 request for emails of Deputy Fire Chief Rodriguez. Open Records Division (ORD) request number OR-26-009561-RR.

Analysis

For the following requests, you made cost complaints to the ORD:

7/31/25	Request made to CMP for commercial building permits issued during specified time period. Cost complaint OR-25-036830-CC filed on 8/19/25.
9/4/25	Request made to CMP for authority, training and SOP's for food

establishment inspections. Cost complaint OR-25-044070-CC filed on 9/27/25.

11/12/25 Request made to CMP for payments and supporting records related to two city vendors in 2025. Cost complaint OR-25-055852-CC filed on 12/3/25.

12/30/25 Request made to CMP for all Walmart related communications during specified period. Cost complaint OR-26-006366-CC filed on 2/9/26.

12/30/25 Request made to CMP for all Moring OSHA related documents. Cost complaint OR-26-006367-CC filed on 2/9/26.

The ORD is the proper venue for raising these cost complaints and they are not handled by the complaint procedures in §552.3215 unless the governmental body refuses to comply with the decision of the ORD on the cost complaint. Therefore, unless the CMP refuses to comply with the decision(s) of the ORD in these matters, no violation can be found on these complaints.

For the following request, you complain that the request for ruling on the responsive records was overbroad or otherwise did not meet the requirements of the exception(s) asserted by CMP:

2/9/26 Request made to CMP for all emails of Deputy Fire Chief Rodriguez concerning Walmart store; plans he referenced; subsequent emails on threads.

Any decision on whether the responsive records meet the criteria sufficient to be withheld under exceptions is the sole responsibility of the ORD. A requestor who disputes the briefing by a governmental body submitted to the ORD has the ability to submit comments on these matters for consideration of the ORD in making its ruling. §552.304. Because this matter is to be decided by the ruling process conducted by ORD, no violation is found on this complaint.

For the following requests, you complain that all responsive records have not been provided:

7/18/25 Request made to CMP for code compliance records for Walmart Store.

11/13/25 Request made to CMP for communications, records, and case documents for Walmart store.[1]

11/25/25 Request made to CMP for all records related to ordinance 2025-24.

11/26/25 Request made to CMP for records reflecting city's public records request activity in 2024 and 2025.[2]

12/4/25 Request made to CMP for Chief Buhman's personal cell phone history and

[1] CMP stated that messages were provided in native format.
[2] CMP stated that no tracking information existed for prior requests.

voicemail logs for specified time period.[3]

Request made to CMP for call detail records of Mount Pleasant Police Department (MPPD) phone lines.

12/30/25 Request made to CMP for all Moring OSHA correspondence.

Request made to CMP for Walmart related communications during specified time period.[4]

1/13/26 Request made to CMP for all records related to city's visit/inspection with Walmart store on 1/13/26.

2/8/26 Request made to CMP for all agency correspondence records.[5]

2/9/26 Request made to CMP for all emails of Deputy Fire Chief Rodriguez concerning Walmart store; plans he referenced; subsequent emails on threads.

Request made to CMP for search methodology records.[6]

2/13/26 Request made to CMP for records related to 1/9/26 Mount Pleasant Fire Department inspection of Walmart.

2/14/26 Request made to CMP city attorney for all communications referencing Moring and Walmart during specified period.[7]

For all of these requests, CMP has stated that all responsive information has been produced or is in the process of being produced in the case of large volume results.[8] Where large amounts of information have been located, batch or rolling production has been employed. Therefore, no violation is found on this complaint at this time.

For the following requests, you complain that additional information (search methodologies and certification of completeness) or answers to questions were not provided:

11/26/25 Request made to CMP for records reflecting city's public records request

[3] CMP provided screenshots of the call logs.

[4] For this request, you also complain that a subsequent search for the same records rendered additional responsive records. CMP states that additional records were produced due to additional keywords being included in the subsequent request.

[5] This request resulted in a large amount of responsive information. Rolling production of records being made and is ongoing.

[6] CMP states that records responsive to this request did not exist until after implementation of a software upgrade.

[7] This request resulted in a large amount of responsive information. At the time of this determination, CMP stated that a review had been completed and a request for ruling would be made on the exception for privileged information under §552.107. The remainder would be released.

[8] The OAG will accept all statements from the public information officer of the governmental body as true unless evidence clearly indicates a contrary conclusion.

activity in 2024 and 2025.

12/4/25 Request made to CMP for Chief Buhman's personal cell phone history and voicemail logs for specified time period.

Request made to CMP for call detail records of Mount Pleasant Police Department (MPPD) phone lines.

12/30/25 Request made to CMP for all Moring OSHA correspondence.

Request made to CMP for Walmart related communications during specified time period.

1/13/26 Request made to CMP for all records related to city's visit/inspection with Walmart store on 1/13/26.

A governmental body is not required to prepare new information in response to a request. *A & T Consultants, Inc. v. Sharp*, 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist.*, 31 S.W.3d 678, 681 (Tex. App.—Eastland 2000, pet. denied); Attorney General Opinion H-90 (1973); Open Records Decision Nos. 452 at 2-3 (1986), 342 at 3 (1982), 87 (1975). The PIA also does not require a governmental body to prepare answers to questions or to do legal research. ORD 555 at 1-2 (1990). These complaints appear to be that CMP did not answer certain questions or prepare additional information not already in existence at the time of the request. Therefore, no violation is found for this complaint.

For the following requests, you also complain that responses from CMP were not made timely in violation of §552.221:

2/8/26 Request made to CMP for all agency correspondence records.

2/9/26 Request made to CMP for search methodology records.

2/13/26 Request made to CMP for records related to 1/9/26 Mount Pleasant Fire Department inspection of Walmart.

2/14/26 Request made to CMP city attorney for all communications referencing Moring and Walmart during specified period.

You also complain for several requests that no certification was made of non-existence of records for each category of information requested or subpart of a request pursuant to §552.221(f). Failure to respond as required by §552.221 has an administrative remedy available through the complaint procedure found in §552.328. The remedies provided in this section include waiver of costs, required training and possible loss of discretionary exceptions for withholding. §552.328(c). Administrative procedures such as these are required to proceed before resorting to the courts for resolution of disputes. "If the legislature expressly or impliedly grants an administrative agency sole authority to make an initial determination in disputes arising within the agency's regulatory arena, the agency has exclusive jurisdiction, and a party 'must exhaust its administrative remedies before seeking recourse

through judicial review.'" *Clint Indep. Sch. Dist. V. Marquez*, 487 S.W.3d 538 at 544 (Tex. 2016) (*quoting City of Houston v. Rhule*, 417 S.W.3d 440, 442 (Tex. 2013)). Complaints under §552.3215 are enforced through court action. §552.3215(b) (Declaratory Judgment or Injunctive Relief). The attorney general has extensive exclusive regulatory authority over the PIA with authorization to enact rules in furtherance of that authority. *See e.g.* §552.011 (Uniformity), §552.012 (Training Requirements), §552.205 (Prescribing Posted Notice), §552.235 (Request Form), §552.262 (Rules for Costs), §552.269 (Cost Complaints), §552.301 et seq. (Decisions), §552.328 (Failure to Respond Complaints). The legislature has granted the attorney general the sole authority to make an initial determination in disputes arising from an alleged failure to respond under §552.221. §552.328. Therefore, no violation is found for this complaint for lack of jurisdiction.

You also complain that criminal offenses related to your various requests have been committed. With respect to your request that this office address a criminal violation of the PIA or other law(s), please be advised that the OAG has no authority to prosecute criminal offenses without the request of the local prosecuting attorney (Titus County District Attorney). Any decision on a criminal violation would need to be addressed by that office.

Lastly, you complain about open meetings (TOMA) violations concerning a meeting of the CMP city council. Violations of TOMA cannot be addressed through the complaint process found in §552.3215 which is reserved for violations of the PIA only.[9] Therefore, no violation is found on this complaint.

The OAG has limited civil enforcement jurisdiction to address violations of the PIA. That jurisdiction is provided in sections §552.321 and §552.3215. These provisions allow for the OAG to seek judicial compliance with the PIA in civil court to compel the release of public information (§552.321 – mandamus; §552.3215 – declaratory judgment and injunctive relief). These remedies serve to provide the OAG with a means of ensuring that requestors are provided public information when appropriate under the PIA and that other ministerial duties imposed by the PIA are observed. Because no violations of the PIA have been found and because jurisdiction is lacking with respect to your cost and response complaints, no action will be taken on this complaint.

This determination is subject to revision upon receipt of new, relevant, and persuasive information.

Respectfully,

/s/Kent S. Richardson
Deputy Division Chief
Criminal Prosecutions Division

enc. Complaint

[9] TOMA does have a civil enforcement provision which is available to any interested person through a suit for mandamus and/or injunction. §551.142.