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WV PE BOARD

BEFORE THE WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

IN RE: **Westport Pools** **C2027-13**
Matthew Cappello, EIRC

CONSENT ORDER

Westport Pools ("Respondent Firm") and Matthew Cappello, EIRC ("Respondent Individual"), collectively "Respondents" and the West Virginia State Board of Registration for Professional Engineers ("Board") enter into the following Consent Order for the purpose of resolving the above-styled complaint. As reflected in this Consent Order, the parties have stipulated to the Findings of Fact and Conclusions of Law and have agreed to the disposition of this matter. Having approved such agreement, the Board does hereby Finds and Orders as follows:

FINDINGS OF FACT

1. Respondent Firm has held an active Certificate of Authorization (COA) C06743-00 in West Virginia since 12/7/2022.

2. Respondent Firm certified and submitted its COA renewal application on 1/2/2026.

3. Respondent Firm on its renewal application on 1/2/2026 answered "No" to the question, "In the last five years, has this firm (or EIRC) been a party in any disciplinary or other administrative proceeding, criminal or civil action, or similar matter before any local, state or national regulatory board or law enforcement agency or judicial tribunal (including WV)?"

4. Respondent Firm was disciplined by the South Carolina State Board of Registration For Professional Engineers And Surveyors by Consent Agreement Executed 10/14/2024.

CONCLUSIONS OF LAW

1. The Rules of Professional Responsibility for Professional Engineers apply to firms. W.Va. Code §30-13-9, W.Va. Code R. §7-1-1.1, 7-1-12.2.

2. Any entity who violates any of the provisions of W.Va. Code §30-13-1 et. seq. or the Rules of Professional Responsibility for Professional Engineers is subject to the provisions of W.Va. Code §30-13-21 through 23, as well as the penalties outlined in W.Va. Code R. §7-1-15. W.Va. Code R. §7-1-14.1

3. It is unlawful for a PE to provide false information to the Board. W.Va. Code §30-13-21(a)(12).

4. Providing false information to the Board is an action that may subject an individual to discipline by the Board, including a civil penalty up to Fifteen Thousand Dollars ($15,000.00) for each offense. W.Va. Code R. §7-1-15.1.

5. The Board may suspend or revoke or refuse to issue, restore or renew a certificate of registration of, or place on probation, impose a civil penalty or reprimand any professional engineer or firm who has failed to comply with any of the provisions of this article or any of the rules promulgated under it. W.Va. Code §30-13-21(a)(4) and W. Va. Code 30-13-21(d)(1)-(4).

6. In determining the amount of civil penalty to be assessed, the Board may consider such factors as the circumstances leading to the violation; the nature and severity of the violation and the risk of harm to the public; the extent to which the cited person or firm has cooperated with the Board and the Board's investigation; and other matters as may be appropriate. W.Va. Code R. §7-1-15.4.

7. The assessment of administrative costs is within the Board's sole discretion. W.Va. Code §30-13-21(d)(4) and W.Va. Code R. §7-1-14.4.

CONSENT

Westport Pools and Matthew Cappello, EIRC, Respondents, agree to the following:

1. Respondents have had the opportunity to consult with counsel and executes this Consent Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondents to make this settlement other than as set forth herein. Respondents acknowledge that they may pursue this matter through appropriate administrative proceedings and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondents accept the Findings of Fact and Conclusions of Law set forth above and consents to the entry of this Consent Order.

3. This Consent Order is a full and final settlement of the Complaint, and nothing in this Consent Order or the circumstances giving rise to the same may be the subject of any appeal or other civil or administrative actions except an action by the Board to enforce the terms of this Consent Order, but that nothing in this Consent Order prohibits the Board from considering this disciplinary action or the circumstances giving rise to same with regard to any future disciplinary matter involving Respondents which may be before this Board.

4. This Consent Order is a disciplinary action taken by the Board and may need to be reported by the Respondents to other jurisdictions where the Respondents hold professional licenses.

5. The Complaint and this Consent Order are public records which, together with other public documents in the file, must be made available upon legal request in accordance with the State's Freedom of Information Act.

6. The Complaint and this Consent Order in part or in their entirety will be set forth in Board publications and on the Board's website, as well as other appropriate placements, including the non-public enforcement exchange database administered by the National Council of Examiners for Engineering and Surveying (NCEES).

7. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.

ORDER

Based on the foregoing, the Board hereby orders as follows:

1. This Consent Order shall serve as settlement of the Complaint pursuant to W.Va. Code §30-13-22(b).

2. Respondent Firm agrees to pay a civil penalty in the amount of Five Hundred Dollars ($500.00) for providing misinformation to the Board.

3. Respondent Individual agrees to pay a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00) for providing misinformation to the Board.

4. The total civil penalty levied upon the Respondent Firm is Seven Hundred Fifty Dollars ($750.00).

5. The Seven Hundred Fifty Dollars ($750.00) civil penalty must be paid within thirty (30) days of the date of entry set forth below, such amount to be made payable to the "**W. Va. P.E. Board**" for transfer to the general fund of the State of West Virginia upon receipt.

6. If the civil penalty imposed herein is not paid within thirty (30) days of the date of entry set forth below, then Respondent Firm's COA and Respondent Individual's PE License will be Invalidated until the civil penalty is paid, Respondents submit the appropriate applications with the appropriate fees, and are otherwise in good standing with the Board. W.Va. Code §30-13-21(a).

(Signatures appear on the next page)

CONSENT ORDER AGREED TO BY:

RESPONDENT FIRM

Westport Pools — DATE: 7/25/26
By: J. Ryan Casserly, CEO

And

RESPONDENT INDIVIDUAL

Matthew Cappello — DATE: 7/27/26
Individually

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 3rd day of September, 2026.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

By: Garth E. Thomas, Jr.
GARTH E. THOMAS, JR., P.E.
BOARD PRESIDENT