

INVESTIGATION SERVICES

PREMIUM AUDIT

RISK MANAGEMENT

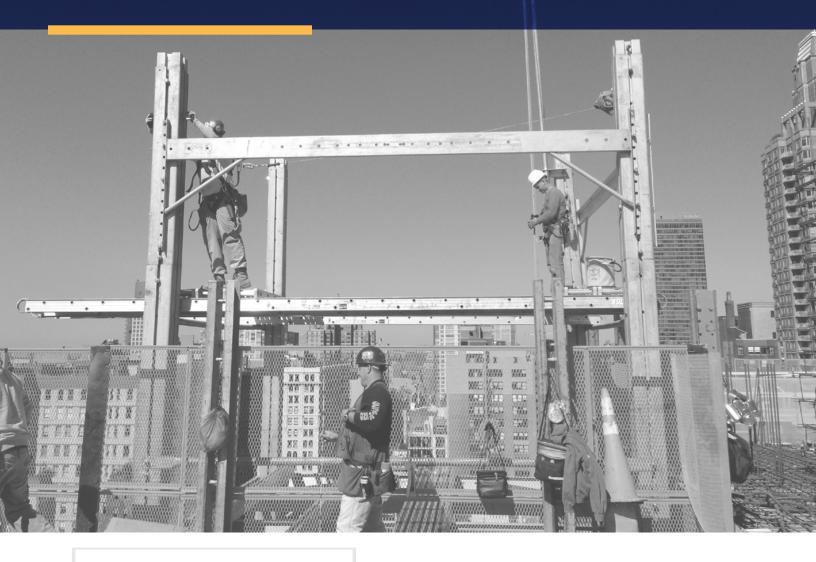
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SML CAPITAL ADVISORS

ABOUT SML



Risk management services supporting the insurance underwriting and claims community worldwide.

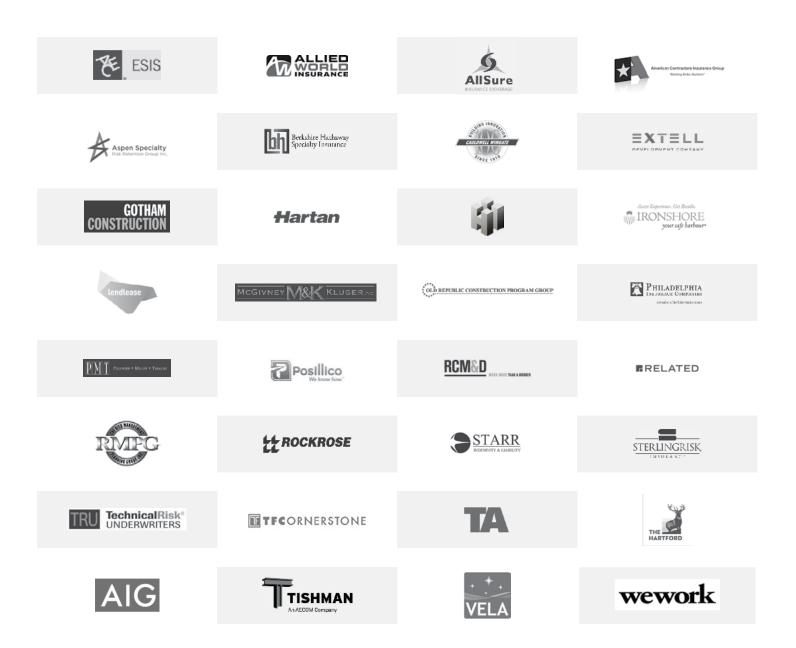
These services have one goal: promoting safety while preventing risks.

Established in April 2007, SML has constructed a team of knowledgeable individuals whose mission is to provide value added services to the insurance marketplace. SML does not sell insurance and operates with complete impartiality and independence. SML is composed of insurance and safety professionals with decades of combined experience in the areas of underwriting, loss control, premium audits, claims management, program management, and risk analysis.

We have the talent and resources to get the job done right and in a timely manner. Our products provide meaningful information to the underwriting and claims community.

At SML, we pride ourselves on our commitment to our clients. If you are not completely confident with our services, we want to know. Our only measure of success is your satisfaction.

SML CUSTOMERS



RISK MANAGEMENT





SML partners with insurance underwriters, brokerages and loss control departments to develop and implement customized services to meet the ongoing loss control needs of the company and their insureds.

In addition to providing traditional loss control services, such as Desktop, Telephonic, and Site Surveys, SML provides OCIP/CCIP/Project Specific Risk Management Reviews (RMR) and management consulting services, which include analyzing company processes and developing standard approaches to how services are provided. Examples include standard report templates, procedures, guidelines, and value added services. Benefits include consistency and continuous improvement in the quality of both the insurance company's and our services.

It is a dynamic, ongoing process in order to address the continual changes in business operations, marketplace, and other needs as they arise.





SML provides Telephone, Voluntary (Mail), & Physical Audit coverage nationwide.





We provide this coverage through our network of auditors, who share our same quality and professional standards. We only use providers who have been tested and meet the challenge of our quality control and time service procedures.

SML makes this a seamless process for the carrier. The carrier sends all audit requests to SML, then assigns and tracks all audits to outside field auditors and providers. In turn, all audits are sent back to SML for quality review.

SML covers all expenses required to complete audits and invoices the carrier at SML's agreed upon rate.

Every SML Premium Audit is completed using the latest technology available. Our Client Portal and Nexus Audit Software offer 24/7 online access to your account information, inventory, and completed audits.

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The audit can be ordered

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ORDERING THE AUDIT

OR

Through the Nexus Premium Audit software.

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ORDER CONFIRMATION

An email confirmation will be sent to the person who requested the audit.

AUDIT PROCESS

For report consistency purposes, our auditors complete all audits using the Nexus software platform. Upon receipt of the physical audit, a Senior SML Audit Manager reviews the audit for quality and accuracy, and makes any necessary changes or adjustments. Our Field Audit Procedures are as follows:

PLANNING

- · Review the Policy.
- Determine what records to use.
- Teleconference with underwriter.
- What location to visit? (if applicable).
- Who is the contact?
- What questions are important to the carrier?

ANALYZE AND VERIFY PREMIUM RELATED DATA

- Is data logical and complete?
- Is data consistent with industry averages?
- Can the deviations from the expected amount be explained?

REPORT FINDINGS

- Prepare a detailed report of findings prepared in a format consistent with policy premium calculation.
- Is data consistent with industry averages?
- Can the deviations from the expected amount be explained?

REVIEW OF INSURED'S OPERATIONS

- Determine nature of the insured identity.
- Observe the operation to compare similar enterprises.
- Identify classifications not shown on policy.
- Assess quality and cooperation levels of management.
- Note any changes in the operation and new loss exposures.

FINDING AND EVALUATING BOOKS AND RECORDS

- Decide what records will provide the necessary information.
- Determine alternative information sources.

DETERMINE EMPLOYMENT RELATIONSHIPS

- Who are the employees and what are their classifications?
- · Are there any subcontractors?
- Do they work on wrap-ups? (Collect OCIP/CCIP Certificates).

AUDIT BOOKS AND RECORDS

- Ascertain classifications and number of exposure units.
- Has the NY Payroll Limitation been applied? (if applicable)
- Remove OCIP/CCIP.
 exposures, based on collected
 certificates.



FINAL AUDIT SUMMARY

Once the audit is finalized, the client will receive an audit summary detailing the results of the audit.

ADJUSTMENT PROCESS

When calculating the final audited premium, our procedures vary by line of business. For Workers' Compensation policies, we need to be provided access to the insured's rating base, as the rates, schedule credits, and many other factors can be unique and carrier specific. We take the information collected during our physical audit, and enter that exposure by state and class code into your rating system, which generates the final audited premium by calculating the exposures against the appropriate rates, and then applying all of the other factors such as experience modifications, premium discounts, credits, etc.

When more complicated program adjustments are needed (i.e., Retention plans, Retrospective Rating Plans, Multi-Year deals (OCIPs/CCIPs), etc.), we can perform these calculations, if requested.

TRAINING



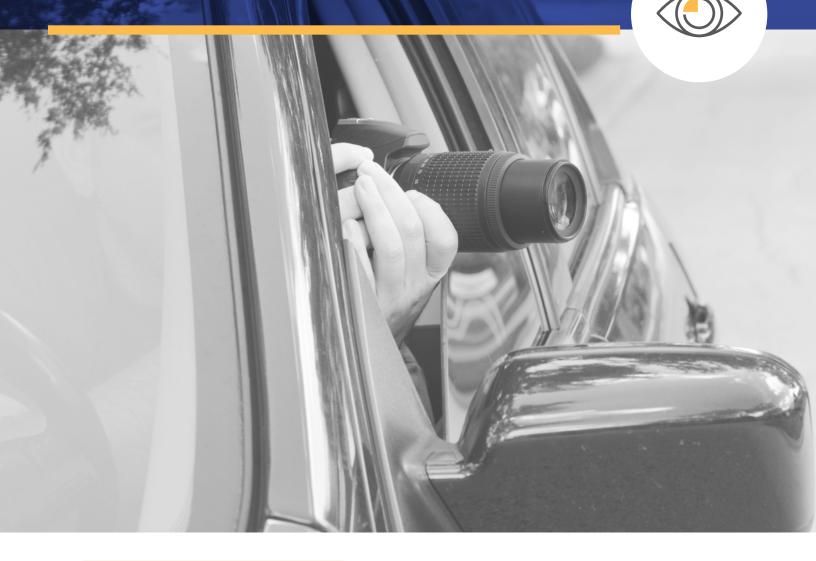
SML offers licensed and professional safety training at your facility or ours. Whether it is a formal OSHA class or job specific training, we focus on teaching safe practices that save lives, prevents injuries and ultimately saves money. We provide classes during the day, evening or weekend so Operations are not disrupted. Multilingual training is available where needed.

- Aerial Lifts
- > Behavior Based Safety
- Blood borne Pathogens/First Aid
- Competent Person
- Confined Space
- > Cranes, Equipment
- Defensive Driving
- Drug and Alcohol Use
- Electrical
- Fall Protection
- Federal, State and Local required training
- OSHA Construction S&H Standards (10 hour and 30 hour)
- > Fire Prevention/Fire Protection

- Forklift Training, Certification and Evaluation
- Hand and Power Tools
- Hazardous Waste Operations (-40 Hour)
- Hazardous Waste Operations
- Refresher (-8Hour)
- Housekeeping
- Lead
- Lockout/Tagout
- OSHA General Industry S&H Standards (10 hour and 30 hour)
- Personal Protective Equipment
- Machine Guarding
- Material Handling/Lifting

- Mechanical Power Presses
- NYC DOB Site Safety
 Manager 40 hour
 Class and Refresher Class
- NY NYC DOB Local Law 52
 32 hour and 4 hour
 supported scaffolding
 Classes C DOB
- Site Safety Registered
 Superintendent Class
- Respirator Protection
- Scaffolds

INVESTIGATION SERVICES



At SML Investigations, our team of investigators focuses on the "big picture" while remaining detail-oriented and results-driven. Our comprehensive network of qualified investigators delivers nationwide, dependable service.

With over 50 years of experience in the insurance industry, our staff is well equipped to handle claims investigations in the following areas: General Liability, Workers Compensation, Auto Liability/No Fault, Environmental, and Health Care.

~	Background Checks
~	Activity Checks
~	Skip Trace Investigations
•	Surveillance
•	Trial Preparation Services
~	Multi-Line Claims Investigation



BACKGROUND CHECKS

- Claimant-indexing through online databases.
- Examination of Court Records, including civil, criminal, traffic/ accident, DMV, and vital statistics.
- Investigation of Court Filings, including judgments, liens, and property transfers.
- Comprehensive check of all Federal, State, and Local public records.

ACTIVITY CHECKS

- Verification of claimant's residence or location.
- Spot check(s) of claimant's residence to determine daily activities.
- Neighborhood or area investigation and interviews.
- Interviews with claimant and/ or claimant's family.
- Preliminary preparation for surveillance of claimant.

SURVEILLANCE

Our Trial Preparation Department is staffed by experienced operators who are available to meet with trial attorneys. Our comprehensive services are designed to assure that all necessary components are in place for trial. Services that we provide include:

- Reliable Process Serving and timely follow-up with courts to ensure receipt of records.
- · Notice to take depositions.
- Location and preparation of claimants and witnesses for trial.
- Coordination of experts and physicians for trial.
- Performance of Criminal, DMV, and ISO searches.
- Acquisition of statements, photographs, documents and diagrams for trial.

SURVEILLANCE

- Covert physical surveillance performed by an expert team.
- Preparation of detailed reports documenting surveillance activities.
- High-definition video and documentary evidence to support surveillance findings.
- Direct consultation with medical providers using video evidence to determine claimant's ability to work.
- Uncompromising legal compliance with respect to all surveillance activities.

SKIP TRACE INVESTIGATIONS

• Location of claimants, witnesses, and other key subjects using all investigative tactics at our disposal in order to proceed with claims-processing.

MULTI-LINE CLAIMS INVESTIGATION

Our expert field staff is available around-the-clock to perform multiline claims investigations. Our investigators' multiline experience assures that all pertinent issues are addressed and that all relevant information is clearly documented for future reference. We investigate claims in the following areas:

- Accident/Loss Site
- Auto Liability
- Construction Claims
- · Disability and Life Insurance
- General Liability
- Labor Law
- Liquor Liability
- Products Liability
- Toxic Tort
- Workers Compensation

CONSULTING SERVICES

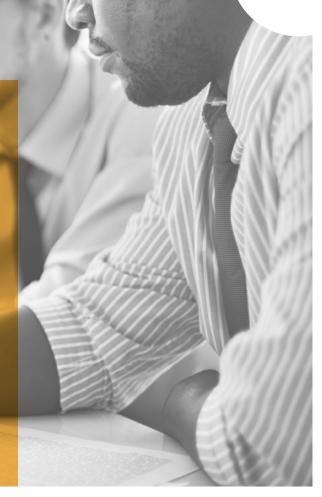


CLAIMS CONSULTING

SML claims consultants bring decades of claims handling experience and understanding of coverage to provide our clients with insight and support to effectively manage their losses.

We review loss runs and interact with the carriers and defense attorneys to assure that claims are being properly handled and reserved appropriately. We analyze litigated claims to assure that they are being properly defended, that legal fees are appropriate and that all risk transfer opportunities are pursued. If we determine that there is legal responsibility on the part of our client, we prepare recommendations on settlement.

We coordinate and attend claim reviews, collect data from claims offices, prepare booklets and agendas, prepare paid, reserve and incurred value reports and follow up "to do lists" of agreed to changes and strategies.



GENERAL CONSULTING

SML is an organization of professional consultants experienced in facing the risk management and insurance challenges of its clients and implementing creative and cost effective solutions. SML does not sell insurance and operates with complete impartiality and independence. With SML, you can rest assured that your risk management and insurance concerns are properly protected.

CONTRACTUAL REVIEWS



REVIEW INDEMNITY PROVISIONS

The first line of defense in any risk transfer program will be the terms of the indemnification provided to the general contractor. Below are several issues we analyze as part of our review.

BROAD INDEMNIFICATION

It is important that the insured be provided indemnification, for both defense and indemnity costs, for any liability arising in whole or in part out of the subcontractor's operations.

BROAD, BUT NOT TOO BROAD

General Obligations Law §322.1 (applicable in New York) precludes owners and general contractors from receiving per-indemnification i.e., indemnification arising out of their own negligence, from their sub-contractors. Case law in New York is unsettled as to whether agreements containing overly broad indemnification are enforceable in part, or completely void, where the indemnities is actively (as opposed to vicariously or as an owner) negligent. As such, any indemnification language should be "to the fullest extent allowed by law." We will consider whether an explicit reference to §322.1 (with respect to projects in New York) is appropriate.

CONTRACTUAL REVIEWS



INDEMNIFICATION FOR COVERAGE FEES

We propose including language shifting the cost of pursuing coverage (or indemnification) to the sub-contractor, irrespective of any insurance coverage. This type of language would encourage sub-contractors to ensure the insured is properly named as an additional insured under their policies.

UPSTREAM INDEMNIFICATION

We ensure that the contract does not call for reciprocal indemnification, whereby each party (general contractor and subcontractor) indemnifies the other for liability arising out of the other's negligence. This is important because reciprocal indemnification can significantly limit the protection provided by even the broadest indemnity. Namely, if the parties have to litigate out of whose negligence the liability arose, this would render the indemnification worthless, at least as respects the duty to defend.

SOLVENCY OF INDEMNITIES

An indemnification is only as strong as the party offering it. To the extent a sub-contractor's solvency is in doubt, confirming appropriate additional insured status (by more than a mere insurance certificate) is particularly important.

WAIVERS OF SUBROGATION

An agreement by subcontractor to waive subrogation against the insured and other sub-contractors would decrease the need for litigation between the parties, and focus attention on minimizing liability (the prime concern of the insured).

OWNER INDEMNIFICATION

We propose having the subcontractor indemnify the owner (as well as the general contractor). A claim for indemnification by the owner (particularly where violations of NY Labor Law 200, et. seq. are alleged, raising the possibility of strict liability) can often significantly impact the general contractor's carrier.

WAIVER OF WORKERS COMPENSATION §11

Under Workers Compensation Law §11, common law (as opposed to contractual) indemnity is precluded, except in the case of a "grave injury". Seeking a waiver of this provision may allow for coverage for contribution claims arising employee injuries under the sub-contractor's WC/EL 1.B. coverage (which is typically provided without policy limits). Obtaining such a waiver would potentially create coverage for the sub-contractor under two separate policies: General Liability (based upon the insured contract exception to the employee injury exclusion) subject to the policy limit and Workers Compensation/Employee Liability (based upon a common law indemnification claim, citing to the waiver) with potentially unlimited coverage.



CONTRACTUAL REVIEWS



REVIEW INSURANCE PROCUREMENT PROVISIONS

Many agreements put a sub-contractor in breach of contract when they fail to procure the proper insurance. Below are several issues we review in regard to the insurance procurement requirements.

INSURED/CARRIER NAMED AS INTERESTED PARTY

We propose having the Agreement require sub-contractors to name the insured and carrier as interested parties on their insurance, requiring notification of any changes to their coverage (cancellation, reduction in limits, non-renewal).

ADDITIONAL INSURED ENDORSEMENT

There are several approved additional insured endorsements ranging from broad ("arising out of, or in any way relating to, your work") to narrow ("to the extent the additional insured may be held liable for your negligence"). The scope of additional insured status is often a key issue in whether a subcontractors carrier agrees to defend an additional insured in the first instance, or instead awaits resolution of the underlying litigation.

ENDORSEMENTS LIMITING COVERAGE

We require confirmation that the policies procured by sub-contractors do not contain endorsements that potentially limit coverage, including:

- Designated Project Limitation.
- Classification Limitation (i.e., covering only particular types of work).
- Amendments to the Pollution Exclusion (broadening from the "at or from" pollution exclusion to a "total" pollution exclusion.
- Other Insurance Provisions (Primary v. Excess) In light of evolving law on this issue, we would seek to require that the sub-contractor's policy specifically provide that it is primary to any insurance issued to any additional insured. Conversely, we would advise that the policy issued to the general contractor provide that it is excess of

any insurance naming the general contractor as an additional insured (by endorsement or otherwise).

- Tightly worded "other insurance language" can avoid the need for unnecessary and costly coverage litigation.
- Review Insurance Claim Notification Provisions As you may be aware Ins. Code §3420(d) was recently amended to prevent "no prejudice" disclaimers based upon late notice, effective January ,17 2009 (i.e., for all policies issued in New York after that date). However, we would propose that the Agreement require sub-contractors to copy the insured (and potentially, the carrier) on all claim correspondence with their carriers.

OTHER SERVICES

SML Capital Advisors also brings to the insurance industry a single resource for many value added services in the areas of Driver License Records and Reports (MVRs), Medical Management, and Drug/ Alcohol free work place monitoring. All of our professionals are pre-screened for excellence in their field and all work product must meet SML's stringent quality control review to assure our customers the best services available.

Some of the additional services we provide are:

MVR SERVICES

Driver License Records and Reports

SML provides vehicle record and driving record reports to leading businesses that appreciate an exceptional product delivered by superior service at a great value. Driving records, also known as Motor Vehicle Reports (MVRs), are documents that detail a history of violations, suspensions, and other information about a person's driving history.

INDUSTRIAL CODE RULE 59 CONSULTATIONS

Consultation Process

The consultation process involves an opening conference, a closing conference and a Consultation report. A remediation period follows during which you have to enact the recommendations made by your SML Consultant. The Code Rule 59 statute includes a detailed timeline that says when each step of the process should be completed.

Requirements

Code Rule 59 requires that your SML Consultant meet the responsible representative(s) of your company, such as the Safety Director and/or an Executive Officer, and review certain documents and records, if available. Your SML consultant will also need to interview a person who is familiar with the individual workers' compensation losses your company has sustained over the past four years and conduct a physical safety survey of your workplace. Some of the items your consultant may want to examine for the opening conference include:

- Written company safety plans
- C2- files for last four years of accidents (Claims Forms/Reports)
- Internal accident records other than C2-'s
- Minutes from recent safety committee meetings
- Employee safety training records for the past three years
- · Material Safety Data Sheets

Opening Conference

At the opening conference. Your SML Certified Safety Consultant meets with the representative(s) of your company to explain the Code Rule 59 process. We will review any written safety program and safety records, review your losses, conduct a safety survey of your premises, and make a preliminary assessment of how your safety activities compare to those mandated by Code Rule 59.

After the opening conference, your SML Consultant will complete a thorough review of any safety records and documents you have provided, and formally determine if your current workplace safety activities meet the standards established by the Code Rule 59 law. We will prepare a written report and arrange a closing conference to review it with you.

OTHER SERVICES

INDUSTRIAL CODE RULE 59 CONSULTATIONS

Closing Conference

Your SML Consultant presents the written report, tells you what the recommendations are and how you can fulfill them. We will remind you that you are required by law to provide copies of the report to the Department of Labor and to your workers' compensation carrier. A letter must accompany the report detailing how you plan to comply with our recommendations for NYSIF policyholders. Copies of your consultant's report, letter and safety program should be sent to:

New York State Insurance Fund Field Services Statewide Services 199, Church Street - 7th Floor New York, New York, 10007 Attn: Eugene McCarthy



SML CAPITAL ADVISORS





SML CONSULTANT EXPERTISE LIST

CONSULTANT / LOCATION	SPECIALTIES	CERTIFICATIONS
Aaron Sibenac Eastern Region	Construction Safety & Health Management; Training; Loss Control Manager; over 8 years experience.	•CSP •OSHA 500 Authorized Trainer •Certified Site Fire Safety Manager, FDNY (S-56)
Abby Ferri Central Region (North) Northwest Region West Coast Quality Assurance Manager	Construction safety, risk control, and training; over 10 years experience with heavy construction including utilities, high rise, and specialty trades.	•CSP •OSHA Outreach Trainer for Construction •Regulatory experience with OSHA, Cal/ OSHA, MNOSHA, EM385, OSHPD, and AQMD
Al Relyea Northeast Region	Specializes in Industrial Hygiene, Products Liability, Workers Compensation, and Healthcare	•CSP •CIH
Andrew Masciantonio National	Construction Safety & Risk Management; Safety Compliance; Training; Loss Control Manager; Over 10 years experience.	•ARM •ASP •CRIS •40 Hour HAZWOPER
Anthony Rudolph Northeast Region	Scaffold Erector, Swing Staging, Rope Rappelling, Bridge Scaffold Erector, Building Inspector; Over 19 years experience. Bilingual (English & Spanish)	 32hr Rigging Foreman Card 32hr approved swing scaffold training course OSHA 10 & 30 Hour Trainer NYC Torch Operator NYC Fire Guard Confined Space (Entry, attendant, and rescuer)
Bruce Beardsley Western Region	Loss Control Specialist with 39 years of experience with OSHA compliance, worker safety, training and claims review.	 OSHA Outreach Certified Trainer CSP Professional member of the American Society of Safety Engineers.
Chris Thompson Central Region (South)	Construction & Safety & Loss Control; Safety Compliance; Training; Over 25 years experience.	•CSP •CIH •OSHA Construction Outreach Trainer
Courtney Lindsay Western Region	Expertise in: Excavation & Trenching, Fall Protection, Confined Spaces, Scaffolding, Stairways & Ladders, Personal Protective Equipment (PPE), Rigging & Material Handling, Steel Erection, & General Safety	 CSP Member of ASSE Chairperson for Cal-PASC Safety Counsel Certified OSHA Instructor

CONSULTANT/LOCATION	SPECIALTIES	CERTIFICATIONS
Dan Byrne Southeast Region	Construction Safety & Risk Management; Over 20 years experience.	•CHST •OSHA 10 & 30 Hour Trainer
Daniel Erwin Central Region (South)	Construction Safety & Risk Management; Over 25 years experience.	•CHST
Dennis Mantjos Southeast Region	Loss Control Consultant Energy & Construction.	 CES Environmental Specialist ETI-ETC Certified Environmental Specials OSHA 30 Hour Certificate CSP IRMI ATSSA CCHEST
Drew Billon Northeast Region Mid-Atlantic Region	Loss Control Representative Environmental Compliance, Electrical Safety, Cranes & Rigging, Property & Casualty,	 Masters of Science in Safety Science Masters of Arts in Employment & Labor Relations OSHA 10 OSHA 30
Isaac Umaña Northeast Region	Construction Site Manager; Over 6 years experience. Bilingual (English & Spanish)	 PSHA/DOB/DOT/NYS Lead Regulations OSHA 30
Ken Clarke Mid-Atlantic Region	Construction & Safety & Loss Control; Fire Protection; Emergency First Aid; Over 25 years experience.	•OSHA 10 & 30 Hour Trainer •NYC Site Safety Manager License
Len Fig Northeast Region East Coast Quality Assurance Manager	Construction & Safety & Loss Control; Over 30 years experience.	 New York City Site Safety Manager OSHA Outreach Trainer forConstruction Defensive Driver Instructor
Mark Fiorentini Central Region (North)	Occupational Health & Safety & Construction Compliance, Implementation, Training, & Auditing; Over 18 years experience.	 Hazardous Materials Tech. Level OSFM/IFSI (IL) OSHA 500, 10 & 30 Hour Outreach Instructor Advanced Safety Certificate/ National Safety Council Certified First Responder HAZWOPER/Supervisory Level MSHA & OSHA 10 & 30 Hour Instructor
Mark Jansky Northeast Region	Construction Safety & Health Management; Loss Control Training; Safety Director; 27 years experience.	 BSCP Certified Construction Health and Safety Technician (CHST) OSHA Authorized Construction Trainer ASSE Member
Nathaniel LaViolette Central Region (North)	Construction Safety & Risk Management; Over 15 years experience.	 Certifications in Asbestos, Confined Space, LO/TO, Mold, Lead, Fall Protection



CONSULTANT / LOCATION	SPECIALTIES	CERTIFICATIONS
Phillip Kirkton Northeast Region	Occupational Safety & Health Management, Construction/ Emergency Management Services, & Safety Prevention; Over 22 years experience.	 •OSHA 30 Hour Construction Safety •Licensed Stationary Engineer
Richard Velletri Mid-Atlantic Region	Loss Control Construction Specialist; Over 25 years experience; Bilingual (English & Spanish)	•CSP •OSHA 10 & 30 Hour Trainer
Stanley Rosen Northeast Region / Southeast Region	Construction & Safety & Loss Control; Over 30 years experience.	•Ph.D. •P.E. •CIH •CSP
Zachary Seals Central Region	Construction Safety & Health Management; Safety Director; Training; Experience; Heavy construction, structural steel high rise, concrete cast in-place high rise, electrical substations, deep tunnel, roads & bridges. Bilingual (English & Spanish) 17 years construction experience.	 •OSHA Outreach Instructor •OSHA 502 •OSHA 500 •OSHA 10 & 30 Hour Trainer •40 Hour Hazwoper •Hazardous Material Technician •Worker's Comp Claim Risk •Manager •CHST

CERTIF	FICATIONS		
AIS	Associate in Insurance Services	COSS	Certified Occupational Safety Specialist
ASP	Associate Safety Professional	CRIS	Construction Risk Insurance Specialist
CIH	Certified Industrial Hygienist	ERM	Environmental Risk Management
CSP	Certified Safety Professional	IH	Industrial Hygienist
CHST	Construction Health Safety Technician		

Request a Consultation

Click Here



SML CAPITAL ADVISORS

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