



Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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DIGITAL SIGNATURES TASK FORCE

Minutes of Meeting
October 10, 2014

Members present:

Ron Singh, Chair
Jason Kent

Members absent:

William Boyd (excused)

Staff present:

Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant
Adaira Floyd, Social and Communications Media Specialist

Others present:

Katharine Lozano, Assistant Attorney General
Sue Newstetter (observer)
Ken Hoffine (observer)

The meeting of the Digital Signatures Task Force was called to order at 12:20 p.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Public Comment

There was no public comment.

Unfinished Business

Digital signing of electronic documents with multiple drawings within – Brought to the Task Force by Matthew Sprick

Digitally signing multiple drawings in a drawing set – Brought to the Task Force by Kristi Nelson

Matthew Sprick submitted questions regarding digital signing of electronic documents that contain multiple pages. This topic was previously presented to the Professional Practices Committee in April and subsequent discussions have occurred at the Board and committee levels. As this discussion began, Mr. Kent mentioned that Rob Brawn, PE from CH2M Hill may have answered a similar question during a presentation made to Board members after the

September Board meeting. AAG Lozano suggested that the Task Force consider sending in a request to the Rules and Regulations Committee to clarify in rule exactly what is required for digital signatures in multi-page documents. Chair Singh agreed that a rule would help clarify the requirements, especially due to the volume of questions submitted regarding this issue. Chair Singh provided his opinion and requested discussion on that opinion, which focused the idea that digital signatures are intended to be equal to wet signatures and serve the same essential purpose. Chair Singh recommended that one signed seal would be needed per digital file, not per digital page within the sealed file. Continuing, he suggested that the discussion should be focused on the issue of *printing* pages from documents that have been digitally signed (whereas subsequent pages do not show the seal). Therefore, it may be important for the stand-alone printed copy of the single page to be identifiable as sealed by a digital signature. Which brought up the question, “Does every copy that has ever been produced have to have an indicator that it has been sealed or is the Task Force only concerned with the original?” Staff followed up by clarifying that the rules and statues require seals on final documents. Circling back to wet signatures, the Task Force then discussed how this could be handled. Mr. Kent gave the following example: If there was a 30-sheet drawing set and he was the engineer of record, he would need to have a seal and wet signature on every single sheet. Mr. Kent suggested the digital “equal” to his example would be to have a seal on every single digital page in the file – so that if one page is printed, it is still shown as sealed. To do this digitally, Mr. Kent explained that the document file would need to be sealed and digitally signed by the engineer of record; with each page having some sort of indicator showing the signor and that the document has not been changed. Chair Singh expressed that one seal for as many pages as necessary would cover the document and provide the ability to authenticate the signor and that the content has not been changed. Chair Singh then continued on to ask if the digital document is sealed as mentioned above, would each page need some sort of resemblance of a seal? AAG Lozano added that this has been discussed often but has not yet been put into rule. Chair Singh suggested a rule change to include the following: The file must be digitally signed and each full page within the file must have a seal with “digital signature” across the seal in place of a handwritten signature. The Task Force requested the assistance of AAG Lozano to draft rule revisions accordingly. Mr. Kent also recommended that definitions be added for digital signatures to rule for clarity. AAG Lozano added that it would also be important to include what a digital signature is not. To summarize, AAG Lozano recapped on the request: 1) more clearly define what a digital signature is; 2) clarify the digital signature rule to include what it is not; 3) also reference the definitions of digital signature, certificate authorization, and digital certificate as contained in OAR820-010-0010 in the rule on wet seals and digital signatures; and 4) set forth in draft rule the digital signature document requirement of affixing a seal with “digital signature” across the seal in place of a handwritten signature on each page of a digitally signed document.

Chair Singh addressed the question relating to multiple signors, where he clarified in concept that multiple signors are allowed on a single page or multiple pages if it is clearly identified or articulated for which area of that page each registrant is taking responsibility (while still complying with all other applicable rules). Mr. Kent added this is similar to how it works traditionally with wet signatures and seals. AAG Lozano offered to draft two separate sections which could outline what applies to wet signatures and what applies to digital signatures.

In response to the questions asked by Matthew Sprick and Kristi Nelson, the Task Force is in the process of clarifying the matter in rule, which is currently silent, and once the rule is proposed OSBEELS staff will provide a copy of the draft.

Authentication Authorities - Brought to the Task Force by Kirsti O'Sullivan

3rd Party Certificates for Digital Signatures – Brought to the Task Force by Kristi Nelson

The Committee discussed third party signatures and noted that the goal is to be able to verify the original signor. Chair Singh pointed out that any individual can produce a self-created certificate (digital signature) impersonating other individuals. For that reason, the OSBEELS rule requires the signature be 'verifiable', by use of a 3rd party certificate authority. AAG Lozano and Chair Singh agreed it should be noted for Ms. Nelson that OSBEELS is not regulating *who* is approved as a 3rd party certificate authority and that it is not within OSBEELS's authority, nor is it OSBEELS's intent to regulate or provide a list of approved authorities for the State of Oregon. The Board regulates its registrants' use of digital signatures and only requires that the digital signature comply with the Board's administrative rules on digital signatures. Ms. Lopez mentioned that Kristi Nelson suggested the idea of creating educational material or a quick-guide on digital signatures to help educate professionals in Oregon. Chair Singh agreed regarding the importance of educating those in Oregon who use or plan to use digital signatures. AAG Lozano and the Task Force discussed how this may affect law enforcement cases relating to signature authentication and if any staff would require any additional software to authenticate digital signatures. Next, the Task Force discussed the idea of creating "frequently asked questions" material relating to digital signatures but is concerned with how rapidly technology will change. If this was kept more general, the Task Force mentioned that it would be able to be used more long term and possibly featured on the OSBEELS website. Ms. Lopez expressed that it may be beneficial to wait until the Board clarifies these matters in rule – which is an idea the Task Force supported. There was no further discussion.

The meeting adjourned at 1:12 p.m.