



# Oregon

STATE BOARD OF EXAMINERS  
FOR ENGINEERING &  
LAND SURVEYING

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DIGITAL SIGNATURE TASK FORCE  
Minutes of Meeting  
June 12, 2015

Members present:

Ron Singh, Chair  
Jason Kent

Members absent:

William Boyd (excused)

Staff present:

Mari Lopez, Board Administrator  
JR Wilkinson, Investigator

Others present:

Katharine Lozano, Assistant Attorney General  
Steven Burger (observer)  
Chris Aldridge (observer)  
Shelly Duquette (observer)  
Eric Thomas, City of Portland  
Terry Whitehill, City of Portland

The meeting of the Digital Signature Task Force was called to order at 12:31 p.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

**Public Comment**

Mr. Whitehill informed the Committee that many of the jurisdictions are interested in the Committee's ongoing discussions concerning digital signatures. He announced that the City of Portland is heading towards changes in the permitting processes which include digital plan review. They're interested in learning if their upcoming processes will comply with the Board's requirements. Mr. Singh responded that the Committee recently recommended revisions to the existing rules that may help clarify some of the local and state jurisdictions concerns; however, the intent of the rules aren't changing. The Board is still requiring a digital signature verified by a third party administrator. Mr. Thomas added that in the digital world when a jurisdiction affixes an approval seal to a digital document that is locked down, the addition of the approval seal invalidates the digital signature. Mr. Singh noted that the user has the ability to accept multiple signatures or seals depending on the tools enabled by the software. However, some basic software may not allow for it while more sophisticated software will. Mr. Thomas

explained the ProjectDox solution as an example that several jurisdictions are moving towards. It is his understanding that when an applicant submits a signed drawing, the software applies overlays (separate files) that contain for example, the check-sheets, jurisdiction comments, or approval stamps to the original drawing. Once the permit is ready to be issued, the software will take the overlays to create a single pdf. that gets issued. This single pdf. then: (1) becomes the archived record; and, (2) is sent back to the applicant and becomes the approved record allowed on-site for the construction of the project. However, the single pdf. invalidates the digital signature that was contained on the original submittal. AAG Lozano expressed her concerns with an unsigned document on-site for the construction of a project. Mr. Singh clarified that the digitally signed “copies” of electronic documents sent to clients or jurisdictions by the engineer are not, fact, copies; they are clones. That is why the digital signature is allowed in place of a wet seal, but an electronic facsimile of a signature is not. As long as the engineer has a properly digitally signed, electronic original of the design, the engineer has met his or her obligation under OSBEELS’ statutes and rules. In fact, it may be easier to verify that a properly digitally signed electronic file was sent to a client or jurisdiction than to verify that a wet signed paper copy was. Mr. Whitehill informed the Committee that the Architects’ requirements differ from the Engineers’ requirements (electronic vs. digital) and it makes it difficult for the jurisdictions to manage. Mr. Kent stressed that OSBEELS isn’t proposing to publish a list of approved vendors or products; rather, the Board has given the framework by rule for individuals who choose the digital route. It is ultimately the users’ responsibility and selection of the technology. The Board will continue to allow for wet signatures. Mr. Kent thanked the guests for their interest and invited input on the Board’s proposed rule revisions concerning digital signatures. Staff was requested to notify the Building Code Division (BCD) jurisdictions on the upcoming Rules Hearing. There was no additional discussion.

### **Unfinished Business**

#### **Seal and signature requirements for electronic plan permitting systems – Brandon Smith**

Mr. Smith submitted an inquiry regarding digital signatures for final construction documents. As many local jurisdictions are using electronic plan submittal systems, he is wondering if the 3 methods provided meet the language requirements for sealing final documents:

- 1) Printing hard copies of drawings, stamping drawings, signing drawings, and scanning paper copies to create electronic files.

Answer: Printing hard copies and scanning paper copies to create an electronic file would not meet the requirements for a digital signature, but could meet the wet signature requirement.

- 2) Inserting an electronic reproduction of both stamp and signature (scanned image into a pdf drawing file.

Answer: This does not meet the requirements for wet signatures or digital signatures.

- 3) Inserting an electronic reproduction of both stamp and signature (scanned image) and attaching a digital signature stamp (no third party certificate).

Answer: This does not meet the requirements for wet signatures or digital signatures.

Mr. Smith also noted concerns similar to those expressed in the discussion with Mr. Thomas and Mr. Whitehill, City of Portland. As discussed, it is ultimately the users’ responsibility and selection of the technology (i.e., tools enabled by the software), since the Board will continue to allow for wet signatures.

He further reported that a local jurisdiction does not allow hard copies of permit drawings (electronic ePermitting only). Which led to his questions of what constitutes the “final” engineered document and if it includes the electronic version that is submitted to the city. If engineered documents are submitted by method 1 above, the original stamped set of plans with the wet signature is the “final” document. It is a common practice for the engineering company who generated the plans to keep the original, but this is not regulated by law. OAR 820-010-0621 was also revised to remove the requirement that any document submitted to a jurisdiction be the “final” document.

In sum, if a registrant prints hard copies of drawings, stamped drawings, or signed drawings that were signed and sealed with a **wet signature**, the original final document is the paper with the **wet signature**. Scanning paper copies to create “electronic files” for submittal is considered a copy of the original final document, not an electronic file.

As Mr. Singh explained to the members of the public in attendance, when an electronic document contains a **digital signature**, the original final document is contained on the hard drive of the registrant. Therefore, if a jurisdiction requires a digitally signed electronic document and unlocks the document to mark it up with code change requirements, stamp it “approved,” etc., the original, digitally signed, electronic final document on the registrant’s hard drive will be able to trace the signor and prove the original content digitally signed. When a digitally signed document is submitted, a “clone,” not a copy, of the original final document is submitted.

### **New Business**

Revisit developing an FAQ was mentioned. It was noted that this should be considered after the Rules Hearing, September 8, 2015.

The meeting adjourned at 1:28 p.m.