



Oregon

**State Board of Examiners for
Engineering & Land Surveying**

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting

October 15, 2010

Members present:

Sue Newstetter, Chair

Ed Butts

Jim Doane

John Seward

Amin Wahab

Staff present:

Mari Lopez, Executive Secretary

Jenn Gilbert, Executive Assistant

Others present:

Joanna Tucker-Davis, AAG

Ron Singh, PLS

Sue Frey, PE (via telephone)

Dan Linscheid, observer

Ken Hoffine, observer

Mari Kramer, observer

Bob Neathamer, PLS

The meeting of the Professional Practices Committee (PPC) was called to order at 8:00 a.m. in the conference room of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) office at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Guest Discussion –

Ron Singh was in attendance to provide the Committee with his observation of an inquiry submitted by Sue Frey related to digital signatures. Ms. Frey joined the discussion by telephone. During the August Committee meeting, Ms. Frey requested clarification on digital signatures and provided the Committee with several variations of digitally signed documents from registrants based upon their interpretation of the Oregon Administrative Rule (OAR) 820-010-0620. The following examples were provided and contained the different aspects as listed. Mr. Singh briefly explained the difference between an “electronic” signature and a “digital” signature to aid the discussion. He stated that an “electronic” signature can be a hand written signature scanned and added to a document. Whereas a “digital” signature provides a significantly higher level of security and requires authentication. A digital signature utilizes a technical process to apply a signature to an electronic document. Other aspects of a digital signature highlighted by Mr. Singh include the following:

- It provides signer authentication from a third party and is unique to the person using it;
- It is under the sole control of the person using it; and

- It provides document authentication in a manner that, if altered, the digital signature is invalid.

Mr. Singh further explained the importance of using a “Certification Authority” to obtain a digital signature. A “Certification Authority” is a trusted third party that can associate an identified signer with a specific key; whereas a self-signed certificate can be created by an individual with no outside verification. The “Certification Authority” verifies the authority of the signer.

For discussion purposes, the rules related to digital signatures were pointed out as follows:

820-010-0010 Definitions

(16) "Digital signature" means a type of electronic signature, as allowed by the ORS 84.001 to 84.061, that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signer verification, document security and authentication.

820-010-0620 Official Seal

(5) A digital signature, as an option to a handwritten signature in permanent ink is acceptable for final documents.

(a) The digital signature must be:

(A) Unique to the registrant using it; and

(B) Capable of verification; and

(C) Under the sole control of the registrant using it; and

(D) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(b) Documents signed using a digital signature will bear the phrase “digital signature” in place of the handwritten signature.

820-015-0010 Processing Complaints

(5) Upon request of the Board, digitally signed documents must be provided to the Board in a form that can be processed by the Board’s information processing systems.

Mr. Singh commented that OAR 820-010-0620(5) allows for a digital signature as an option to a handwritten signature; therefore a seal is still required. He also noted that the NCEES Model Rules were considered when developing these rules. Ms. Lopez also stated that the rules available from other Boards were also researched and considered.

Upon his review of the different variations, he provided his insight on the following:

A. Digital Signature “A”:

- PE scanned in wet signed seal with expiration date;
- PE used Adobe to place secure copy of signed seal on document and Adobe produced certification;
- Live file shows Adobe certification ribbon;
- Printed file does not show certification ribbon;
- The word digital signature added near seal to indicate it was digitally signed;
- Closest to a wet signature;
- Date of signing optional;
- PE protects personal signature by sole keeper of signed seal.

No, does not comply with the OAR as written.

B. Digital Signature “B”:

- PE’s electronic seal referenced into drawing file with no signature;
- PE used Adobe to place Adobe produced certification next to electronic seal;
- Adobe language with Adobe digital signature wording turned on. Words “digitally signed” are not necessary but could be added. (Adobe language is being interpreted as “digital signature” indicator and states it is digitally signed.);
- Live file shows Adobe certification ribbon;
- Printed file does not show certification ribbon;
- Date of signing optional.

No, shows the electronic stamp put into the file with no signature and no phrase “digital signature” and therefore does not comply with the OAR. The rule requires the seal and phrase, but does not prohibit the additional information placed off to the side.

- C. Digital Signature “C”:
 - a. PE used Adobe to place secure copy of Adobe produced certification. (Adobe language is being interpreted as “digital signature” indicator.);
 - b. Live file shows Adobe certification ribbon;
 - c. Printed file does not show certification ribbon.

No, shows no seal and therefore, does not comply with the OAR.

- D. Digital Signature “D”:
 - a. PE’s electronic unsigned seal referenced into drawing file with the wording “digital signature” and no wet signature;
 - b. PE used Adobe to place Adobe produced certification next to electronic seal;
 - c. Adobe language with Adobe digital signature wording turned on;
 - d. Live file shows Adobe certification ribbon;
 - e. Printed file does not show certification ribbon.

Yes, does meet the intent and the actual language of the OAR. ***

- E. Digital Signature “E”:
 - a. PE’s electronic unsigned seal referenced into drawing file with the wording “digital signature” and no wet signature;
 - b. No Adobe language showing;
 - c. Adobe language with Adobe digital signature wording turned on;
 - d. Live file shows Adobe certification ribbon;
 - e. Printed file does not show certification ribbon.

Yes, does meet the intent and the actual language of the OAR. The difference between option D and option E is that option E is not brand specific (Adobe). ***

Ms. Frey appreciated the clarification and suggested tightening up the language to state exactly what is expected. She also recommended including an example in Exhibit 1 (OAR 820-010-0620 – Official Seals). Ms. Newstetter agreed and further noted that this is an excellent topic to include in the next edition of *The Oregon Examiner* and for presentations during society meetings.

***** August 31, 2011 correction: Mr. Singh confirmed with Ms. Frey (who at the time was participating via telephone) that “self-signed” certificates were being utilized. As a result, options A through E do not comply with the intent and actual language of OAR 820-010-0620.**

Unfinished Business –

History of the Oregon Revised Statute (ORS) 672.060(5) & (6)

Advice was received from AAG Tucker-Davis regarding the legislative history of what the Board commonly calls the “industrial exemptions,” found in ORS 672.060(5) and (6). **Ms. Newstetter took the Committee into Executive Session as provided by ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.**

Upon returning to open session, it was noted that no action was taken during Executive Session.

Due to time constraints, the matter was tabled for discussion during the December meeting.

New Business –

Licensing Question

The Committee received an inquiry on a hypothetical case from Chemelle Stark, PE. The hypothetical case was described to the Committee as follows:

- The “project” is located in Portland, Oregon;
- The client has requested an engineering firm in Illinois to review the project;
- The engineering firm in Illinois does not employ an Oregon registrant;
- The client has requested that the engineering firm apply their Illinois seal to the work;
- The project is of a minor nature and is not required to be submitted for permit by the State of Oregon, nor by the City of Portland; and
- The client has voluntarily requested engineering services to demonstrate to their customer that the product has been reviewed by a PE for a site-specific condition.

Ms. Stark would like to know if the project is not required to be submitted for permit by the local jurisdiction, does it matter if it is sealed by an engineer registered in another state? The Committee took note that Ms. Stark used the term “project” and the term “product” in the hypothetical case. Furthermore, the scenario was too vague to give a definite response other than citing ORS 672.020. However, Mr. Butts commented on the distinction of “project” versus “product.” For a “project” that is site specific, the answer would be yes, an Oregon registrant must be in responsible charge and place their seal on the final document. But if it is a “product” that is applied or used nationally, then it would be questionable. Staff will respond accordingly.

Ecoroof Design and Construction

An inquiry was received from the Oregon Landscape Contractors Board (LCB) regarding the design and installation of ecoroofs; also referred to as extensive greenroofs. The original inquiry to LCB was received from Tom Liptan in which he also includes that the combination of more intensive roof gardens with ecoroof elements is increasing. He further states that the design of these vegetated systems is evolving with several design approaches that include variations of structure, roof membranes, drainage, root protection, edging, flashing, soil, irrigation, plants, erosion control and other related elements. The Committee briefly discussed the new practice and the structural components possibly at risk. **As a result, it was determined to forward the matter to the November Board meeting for additional discussion.**

Informational –

ODF Response to August 5, 2010 Letter

For informational purpose, staff provided the response received from Oregon Department of Forestry (ODF). There was no further discussion.

Reference Manual for Building Officials –

Staff briefly informed the Committee that the Oregon Board of Architect Examiners (OBAE) reviewed the draft Reference Manual for Building Officials during their October 1, 2010 Board meeting. A copy of the proposed revisions was provided to the Committee. However, due to time constraints, a separate work session will be held at a later date for the Committee to discuss and incorporate the revisions provided by OBAE.

The meeting adjourned at 9:15 a.m.