

Electronic Recording Standards Commission
Meeting minutes for November 18, 2008

The meeting was held at the Snohomish County Courthouse in Everett.

Carolyn opened the meeting at 10:10 a.m. and suggested everyone make their introduction.

Megan Moreno, Legislative Liaison for the Office of the Secretary of State and staff to the Commission
Nancy Skewis, Business Resources Section Administrator for the Department of Licensing
Linda Mead, Manager of the Notary Public Program for the Department of Licensing
Walt Washington, newly elected Kitsap County Auditor and Commission Member
Evelyn Arnold, Chelan County Auditor and Commission Member
Nina Tapscott, Chelan County Recording Manager
Paul Merz, Image Library Consortium and Commission Member
Skip Moore, Chelan County Deputy Auditor
Maureen Humbert, Clark County Assessor's Office and non-voting Commission Member
Merrili Sprecher, Clark County Recording Office Supervisor and Commission Member
Diane Mickunas-Ries, Snohomish County Recording Office Manager and Commission Member
Carolyn Ableman, King County Recording Director and Commission Chair
Dee McComb, Escrow Agent with Settlement Solutions and Commission Member
Brian Ferris, Thurston County IT Manager and Commission Member
Mark Thompson, Assistant Superintendent for the King County Recorder's Office
Bob Foote, Master LAN Administrator for the King County Recorder's Office
Pam Floyd, Director of Corporations for the Office of the Secretary of State
Zona Lenhart, Franklin County Auditor and Vice Chair of the Commission

Missing from the list of Commission Members is a treasurer representative. Megan sent an invitation to Tiffany Coffland, Franklin County Treasurer, but has not received a response. She and Zona will follow-up with Tiffany. If need be, the Commission will seek advice from WACO about treasurer representative.

Carolyn suggested focusing on the Florida Electronic Recording Advisory Committee's recommendations in their recently adopted final report. Florida, like other states that have adopted recommendations suggest following PRIA's national standards; there's no need to reinvent the wheel.

Carolyn led the discussion on PRIA's URPERA Enactment Guide recommendations.

There are three categories of technology involved in eRecording:

- 1) Document creation and security technology used by those submitting documents for recording;
- 2) Document processing technology used to accept, review, and record documents and payments by the county recorders; and
- 3) Transmission and security technology used to protect and deliver documents to and from the county recorder's domain.

Washington eRecording practitioners should not have any need to deviate from what they already do.

PRIA also provides a list of stakeholders to have represented on the Commission. Washington's Electronic Recording Standards Commission is well represented with the exception of needing a Treasurer.

PRIA suggests the Commission have a part time commission administrator. Megan will be filling that role.

Carolyn does not expect the Commission to need many meeting to develop recommendations. This is part of the reason there was no appropriation requested when the URPERA legislation was being considered.

The Commission will be able to share resources on its website, located on the Office of the Secretary of State's website, under Archives, under the "ERSC" tab. The website will also be used to share information with and solicit comments from the public on the Commission's recommendations.

Discussion returned to PRIA's URPERA Enactment Guide and the inaugural meeting of the Commission. One of the accomplishments should include agreement on eRecording models. Model 2 is most commonly used (for an explanation, see p. 18 of the Enactment Guide). Model 2 will also be easier for smaller counties to use and accept. The internet will be the most common delivery method, but ultimately the county recorder may decide which method to use.

Bob Foote answered a question about web portals that led into further discussion on electronic signatures, digital signatures, public and private keys, TIFF images, and server differences.

Practitioners will establish procedures to meet their unique needs for electronic signatures and electronic recording. Both will save time and money.

Evelyn suggested the Commission establish a prioritized list of the most frustrating recording issues that the Commission may consider. Paul and Dee will seek input from their organizations.

One of the issues addressed in Florida's recommendations is electronic signatures. A discussion about the Uniform Electronic Transactions Act (UETA) ensued. The Office of the Secretary of State has received customer interest in UETA or other legislation (a change to RCW 19.34) that would allow for the use of electronic signatures. Security was a concern when UETA was first considered in 1999. The Bar Association is presently reviewing UETA to determine if they still have concerns with security. The point was made the wet ink signatures are not verified for the identity of the signer, and digital and electronic signatures would not be any less secure.

The question was raised as to whether URPERA creates a new class of notaries. The answer was, "yes." It was also noted that notaries like digital signatures.

Brian asked who would be responsible for maintaining legal proof of notarization. Presently DOL licenses notaries; they are considering requirements for e-notaries.

Carolyn and Diane believe notary provisions were removed from the first version of UETA.

Pam commented that DocuSign contacted her and indicated concern regarding the Commission developing standards that would impair their ability to conduct their business. They are having difficulty with the current law as well. Currently, local governments are required to use digital certificates, issued by a licensed certification authority, a presently cumbersome process that involves research, verification, issuing a certificate, and issuing software for both a private and public key.

Presently, RCW 19.34.231 uses "shall" language rather than "may" for state or local governments using digital signatures.

The group discussed the recently adopted WAC 434-662 and its provisions for preservation of electronic public records. Megan directed the Commission to the website for the WACs. The question was raised about whether payment would incorporate Ereit. Paul answered, "yes."

Carolyn suggested the Commission divide the 10 categories of issues addressed in the Florida recommendations and that each person volunteer for their area(s) of interest. The group also assigned other miscellaneous aspects of the final report.

1	Data Standards	DOR	Diane	Paul	Mark	Evelyn & crew	
2	Web Portals	Bob	Walt	Brian			
3	Business Rules	Mark	Diane	Paul	Evelyn	DOR	
4	Security	Dee	Pam	Zona	Linda	Paul	
5	eSignatures	Dee	Pam	Zona	Linda		
6	Notary Acknowledgment	Dee	Pam	Zona	Linda		
7	File Formats	Bob	Walt	Brian			
8	Processing in Accordance with WA Laws	Evelyn	Walt				
9	Records Retention and Preservation	Jerry	Carolyn				
10	Payment of Fees (including excise tax)	Diane	Paul	Dee	Maureen	Treasurer	DOR
11	Transforming Recommendations to WACs	Carolyn	Zona	Megan			
12	Miscellaneous (intro, appendices)	Carolyn	Zona	Merrili	Megan		

Paul clarified that Washington's report will emulate Florida's. Carolyn affirmed.

The time and location of the next meeting was discussed. Tuesday, February 24th in Olympia was tentatively set.