



STATE OF WASHINGTON

Electronic Recording Standards Commission (ERSC)

Monday, June 8, 2015 – 2:00-4:00pm
County Auditor's Elections Conference
DoubleTree by Hilton – SeaTac Airport - Cascade 1 Room
18740 International Boulevard, Seattle, WA 98188

MEETING MINUTES

Members Present: Vicky Dalton – Spokane County Auditor; Milene Henley – San Juan County Auditor; Julie Anderson – Pierce County Auditor; Dee McComb – Escrow Association of Washington; Kris Swanson – Cowlitz County Auditor; Steve Excell – State Archivist.

Members Present By Phone: Paul Merz – Imaged Library Company.

Staff Present: Julie Blecha – Office of the Secretary of State/Staff to the Commission.

I. ROUTINE ITEMS

- A. Call to Order
 - 1. The meeting was called to order at 2:00 pm.
- B. Adoption of June 8, 2015 Agenda.
 - 1. **Motion** to adopt the agenda as presented: Milene Henley, second by Julie Anderson.
- C. Approval of Minutes for September 29, 2014 Meeting
 - 1. **Motion** to adopt the minutes as presented: Anderson, second by Steve Excell.

II. NEW BUSINESS/ACTION ITEMS

- A. Commission Membership – Vicky Dalton

Dalton's and Kris Swanson's 3-year appointments to the ERSC have been fulfilled. Both Dalton and Swanson volunteered to serve an additional term, pending appointment by Kim Wyman, Secretary of State.

- 1. **Motion** to request Secretary of State's reappointment of Vicky Dalton for an additional term: Milene Henley; second by Anderson. (Dalton abstained.)
- 2. **Motion** to request Secretary of State's reappointment of Kris Swanson for an additional term: Henley; second by Anderson. (Swanson abstained.)

- B. Review Current eRecording Standards

- 1. No recommended modifications to standards at this time.

III. UPCOMING ISSUES

(Because guest speakers were not yet available by phone or internet, members proceeded with items C and D before continuing with A and B.)

C. Recording of Electronic Surveys – Excell

Washington State Archives (WSA), Vicky Dalton and the Department of Natural Resources have been discussing issues relating to land surveys and plan to work with the County Auditors and the Land Survey Association of America to identify best practices before updating the related RCWs.

Many recording options have evolved since the 1950s, including:

- 1) Black ink on Mylar;
- 2) Any standard material (paper) compatible with the County Auditor's recording process;
- 3) Digitized records (scan-and-toss);
- 4) Electronic records (born-digital).

Members discussed the various combinations of these formats (CAD drawings printed on mylar, etc.) and the challenges presented by the variation in levels of technology within each jurisdiction. Anderson suggested that it would be helpful to do necessary research and design a "plan-in-a-can" to assist (especially smaller) offices.

Excell announced that WSA will continue to take Mylars for as long as County Auditor's continue to record (or possess) them.

D. Land Title Association Meeting (October, 2014) – Paul Merz

Merz was unable to attend the October Land Title Association Conference in Coeur d'Alene, Idaho.

B. Electronic Signature and Electronic Notary/Remote Notary – Dalton

Dalton explained that "E-Notary" occurs with the parties in the same room, while "Remote Notary" or "Virtual Notary" occurs when the parties are not in the same room. Silanis Technology (*a vendor for Spokane Teachers Credit Union*) conducted an online presentation so members could see how Remote Notary works.

A. ESSB 5810 (Promoting the use, acceptance, and removal of barriers to the use and acceptance of electronic signatures) – Dalton

Roselyn Marcus, Office of Financial Management, joined the meeting by telephone and provided a detailed history of ESSB 5810, which was passed into law during the 2015 Legislative session. It allows the use of electronic signatures in the same manner and effect as wet signatures *specifically between state government agencies and the public*. While not *requiring* the use of e-signature, it provides the option for state agencies. The bill goes into effect July 24, 2015, and its regulatory authority does not extend to local government agencies or private business.

The Office of the Chief Information Officer (OCIO) has been tasked with developing implementation guidelines. A workgroup has convened and participants include IT specialists and representatives from several state offices (including the Attorney General, State Auditor, Treasurer, Secretary of State/Washington State Archives, OFM, DOL, DOR, DSHS, L&I, DVA, etc.). Issues include ensuring authenticity, removing barriers, and assessing risk & liability, etc.

Members considered how local government might want to be involved and agreed to discuss the topic at WACO, AWC, and other local government conferences and meetings.

Anderson suggested that this topic be included as a breakout session in the annual statewide technology conference, and Scott Bream (OCIO) may be willing to speak. It would also be a good topic for the next Washington Association of Prosecuting Attorneys (WAPA) conference, and either Tom McBride (WAPA) or Mark Lyon (ATG) would likely champion the undertaking.

Dee McComb shared information received from Marc Aronson (Pennsylvania Association of Notaries, maronson@notary.org) on the status of eRecording and eNotarization in the USA. (Dee was asked to email meeting handouts to members.) Some of the statistics include:

eRecording:

- 45 states and 1,284 counties are doing eRecording, 5 states are not (KY, RI, VT, WV, SD).
- DocuSign and Silanis are the most common vendors.

eNotarization:

- 9 states have programs (notary registers with the state) -- AR, CO, IA, MN, NC, OR, PA, VA, WV
- 6 states are "hands-off" (notary not required to register with the state) -- CA, FL, MD, TX, UT, VT
- 6 states are legal but dormant -- AZ, DE, KS, ND, NM, NV
- 2 states permit e-notarization for land records only -- NY, WA
- 2 states decline to take a position – MI, OH
- 1 state, VA, has long-distance video notarization
- 1 state, MT, should have long-distance video notarization by October 1, 2015
- In the rest of the states the appointing authority has yet to recognize eNotarization.

Excell said he would email an interesting article about *absolute identity* to members.

Discussion ensued, and topics/ideas included:

- Everyone is facing major changes in how documents are made and prepared. The impact on county recorders must be addressed as well as rules developed to manage the changes.
- The best step is to encourage everyone to do eRecording.
- Because eReet falls into the area of excise taxes/electronic processing, perhaps WASACA could provide help to address some of the barriers to eRecording. How many states have *separate* offices that collect excise taxes and record deeds. What about collecting a transfer tax? Merz will talk with Carolyn Ableman (PRIA).
- What would it take to help the remaining counties do eRecording? A state grant? \$ could come from a surcharge on eReet documents for eReet electronic conversion.
- Getting ALL counties on board should be addressed at the next recording conference. Perhaps eRecording counties could serve as mentors to those that aren't (yet).
- Could a large agency host/manage a system for smaller counties? A centralized solution?

Henley suggested having discussions at the WACO conference, perhaps an hour for excise taxes/~~election~~ processing, and an hour for Clark County's shared eRecord/eReet customer service lobby.

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eRecording

IV. NEXT MEETING

The next meeting will be scheduled to take place in association with the next Washington Association of County Officials (WACO) conference in Tacoma at the end of September. Specific date, time and location will be determined.

V. ADJOURNMENT

1. **Motion** to adjourn the meeting at 4:10: Anderson, second by Excell.

CERTIFICATION OF MEETING MINUTES OF THE eRecording Standards Commission:

I, Vicky Dalton, Chair of eRecording Standards Commission, certify that the above is a true and correct transcript of the minutes of a public meeting of the eRecording Standards Commission of the State of Washington held at Washington State Archives in Cheney on June 8, 2015, and that the public meeting was duly called and held in all respects in accordance with the laws of the State of Washington, and that a quorum was present.

Vicky M Dalton

 Chair Signature

29 Sept 2015

 Date