

# Example must be set for violation

## THE CHAMBER VIEW

by Pamela Tumpap



**G**overnment rules, with the force and effect of law, are in place to address issues critical to the

public's interest and protection. When one doesn't follow the law, there are repercussions. We expect this. However, every so often someone does something so egregious that an example must be set, proper punishment levied, and the rules strengthened to ensure the infringement doesn't happen again. Such is the case with Council Member Wayne Nishiki's late, incomplete and surprising financial-disclosure filing, which is being considered by the Board of Ethics.

This matter surfaced following the election, and after Nishiki's financial disclosure was made public and his loan from Dowling Co. became known. In response to member concerns, the topic was reviewed by the chamber's Government Action Committee and board in November, with the organization asking the Board of Ethics to conduct a full and thorough investigation

and, if any wrongdoing were found, to take appropriate action. Our letter was discussed at the Dec. 18 Board of Ethics meeting.

Since then, new information has been released and concerns have mounted. Many have asked the chamber to file a formal complaint in order to support the Board of Ethics in dealing with the situation, to address the sweeping concern and to hold elected officials accountable.

The matter went back to our Government Action Committee, Executive Committee and full voting board for review and deliberation. After careful consideration, the board agreed that a formal complaint should be filed for the reasons noted above, especially since no complaint had been filed. The decision was not rendered lightly and came after the deadline for submitting a complaint in time for the Jan. 14 Board of Ethics meeting. In the meantime, another complaint was filed.

Some may try to deflect attention from the complaint and Nishiki's actions by attacking Board of Ethics members, those who wrote letters or the person who filed the complaint. These tactics are outrageous. This situation is about process, the public's right to

candidate information for decision making, a candidate's behavior and violations of law that impacted an election.

Some are saying:

• "The Maui Chamber of Commerce is about 'big business' and 'swayed by developers.'" Not true. The chamber is a diverse organization, representing different views, with small businesses being 88 percent of the membership.

• "Our concerns are 'sour grapes' because the candidate we endorsed was not elected." They must not realize that Nishiki could not be endorsed by the chamber because he chose not to fully participate in our endorsement process, despite our invitation to him to do so.

• "Others filed late, and only Nishiki is being targeted." Others did file late and that must be reviewed. However, only Nishiki filed so late that the disclosure was not released to the public prior to the general election. Instead of filing within 15 days of filing his nomination papers, as required by law, he filed 76 days afterward, after multiple reminders and when absentee voting was already under way. Furthermore, the disclosure filed raises more questions than it answers. He is not being targeted; this situa-

tion warrants attention.

Bottom line: Council Member Nishiki did not follow the law. He violated the County Code of Ethics by failing to make a timely financial disclosure as required in the County Charter, the County Code and the Board of Ethics rules, and he never filed his disclosure with the county clerk, as required. The information presented is incomplete and therefore inaccurate, and undermines the intent of the disclosure process. And, with these actions he interfered with the election process.

Elected officials should demonstrate by example the highest standards of ethical conduct, per the charter. Instead, Nishiki bucked the system while standing before the public and calling for an openness and transparency he does not offer.

The financial-disclosure process is a key ethical component that reveals important information so the public can make informed choices when choosing who represents them. The process is there to protect against the very situation that we now face.

Regardless of how other infractions were addressed in the past, it is time to do what is right to ensure the law will be followed in the future. If suitable consequences are not imposed, it will undermine the public's trust in government and governmental processes, and could contribute further to voter apathy.

Nishiki's violations are such an affront to our election process that a formal complaint is warranted, and the Board of Ethics now has one to act upon.

We feel the public is entitled to a new election, in which people can vote with all the information due them. Therefore, the Maui Chamber of Commerce supports the Board of Ethics in imposing fitting penalties and acting to improve the disclosure-filing process to prevent another offense.

It may take one to sound the alarm of system inadequacies, but now is the time to stop ringing the bells and make the situation right.

■ Pamela Tumpap is president of the Maui Chamber of Commerce.