

Nishiki's actions have many doubting the process

THE CHAMBER VIEW

by Pamela Tumpap



At the Board of Ethics meeting this week, where newly elected Council Member Wayne Nishiki's late financial disclosure was reviewed, much discussion took place on the financial-disclosure-filing process, including when the filing is to be made, to whom, and who is responsible for making it public. While a great deal of misinformation was put forth, the fact remains that our current law requires that candidates for public office file their public-financial-disclosure statement within 15 days of filing their nomination papers with the County Clerk's Office, which then makes the document available for public inspection.

Had Mr. Nishiki filed his financial disclosure as required in August, it would have raised eyebrows, but we would not be addressing whether or not the information contained in his report impacted the tight race for the South Maui County Council seat.

Board of Ethics Chairman Alan Kaufman did an excellent job of running the meeting, keeping it on track, not allowing outbursts, educating testifiers that provided inaccurate information and detailing the Board of Ethics' role.

We at the Maui Chamber of Commerce feel the disclosure process is important and is in place for a reason: for public information and consideration, and to identify any ethical concerns or potential conflicts of interest. We are pleased that the Board of Ethics is taking this matter up and have asked this body to perform a full and complete investigation of Nishiki's financial-disclosure filing to reveal whether this elected South Maui council

member fully complied with all applicable county laws.

From our view, Nishiki's filing presents several questions that should be addressed by the board. First, did he follow the process as outlined by law? Second, did the candidate operate ethically or was there a breach of ethics? Third, is his financial disclosure correct? And finally, if the candidate failed his obligations in one or more of these areas, what remedies should be taken?

In the matter of process, all recognize the stated timeline was not met and that several reminder attempts had to be made before Nishiki complied. He publicly admitted that the filing was late and said in a Maui News article that he just completely didn't respond when they asked him about filing it, noting there was really no excuse. So, this area of review is pretty straightforward.

With respect to the ethical concerns, the situation casts a shadow since this candidate

has run for elected office many times, and knows or certainly should know the financial disclosure rules and timeline.

Furthermore, how the candidate chose to file the financial disclosure was disturbing since this person understands well the inner workings of county government. When finally submitting the document, he did not submit the financial disclosure to the appropriate county department. By not filing it with the County Clerk's Office, as required, the information was not made public prior to the election, and a lot of voters believe a public disclosure of this information would have changed the outcome of his very tight South Maui council seat race.

In a Nov. 13 Maui Time Weekly article, Nishiki acknowledged the loan as a "negative cloud" that he wanted to clear. Therefore, there is a definite interest in establishing whether this individual intentionally circumvented county

process prior to the election to avoid public disclosure of the required information about his outstanding loan from a developer. This is a substantive ethical issue.

A business loan to help a struggling business is not unusual. However, the loan was remarkable in this case, given Nishiki's regular anti-developer statements and public stance on and criticism of "developer money."

Several testifiers at the Board of Ethics meeting asked why this challenge has risen to the level of a high-profile review. From the calls we received, the answer is simple. Giving money to those in need is certainly aligned with developer Everett Dowling's character. He is recognized widely for his countless community contributions and aid rendered.

However, the public does not perceive a developer connection to be in line with Nishiki's character or his transparency persona. Residents were

shocked when they found out about the loan between Nishiki and Dowling. When thus stunned, people examined the process and wanted answers.

Regarding the financial disclosure itself, many doubt its accuracy, wondering how one can pay a combined mortgage and loan debt of \$455,000 with a reported annual income of \$18,000.

The Maui Chamber of Commerce has asked Board of Ethics members to determine whether or not this candidate fully complied with the process and law, and requested that they take appropriate action if Nishiki failed to do so.

This and the Sol Ko'ohalahala residency challenge have residents questioning election laws and processes, and hoping that they are upheld. It is time to either enforce them or change them.

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