

## APPLICATION FOR STATE SENATE DISTRICT 39 VACANCY

Deborah M. DeMack, being first duly sworn, states as follows:

1. I wish to be nominated by the Board of County Commissioners of Santa Fe County and appointed by the Governor to the position of State Senator for State Senate District 39.

2. I am a citizen of the United States, a resident of the State of New Mexico, and a resident of New Mexico State Senate District 39. See Exhibit A, attached.

3. The physical address of my residence, determined in accordance with NMSA 1978, § 1-1-7, is 1525 Kachina Ridge Drive, Santa Fe, NM 87507. See Exhibit B, attached.

4. I am 25 years of age or older. See Exhibit A, attached.

5. I am a qualified elector, meaning that I am a resident of the State and qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States.

6. Check and, if applicable, complete only one of the following alternative statements. Please note that notaries public and officers of the militia who receive no salary are not considered offices of trust or profit within the meaning of N.M. Const. art. IV, § 3.

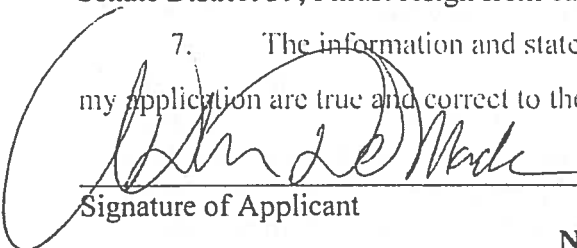
☒ I do not hold any office of trust or profit with the state, county, or national governments.

OR

☐ I hold the following office(s) of trust or profit with the state, county, or national governments: \_\_\_\_\_

I understand and agree that, if appointed by the Governor to the position of State Senator for Senate District 39, I must resign from each of these positions before qualifying for office.

7. The information and statements in my letter of interest and resume accompanying my application are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of Applicant

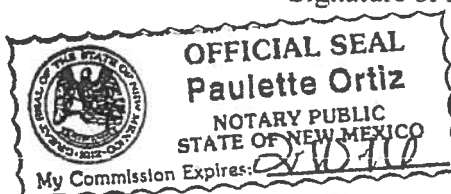
### NOTARIZATION

State of New Mexico  
County of Santa Fe

Signed and sworn to (or affirmed) before me on March 16, 2015, by Deborah Demack

My commission expires: 2-10-14

  
\_\_\_\_\_  
Signature of Notarial Officer



Deborah M. DeMack

March 16, 2015

Tony Flores  
Assistant County Manager  
Santa Fe County

Via email:

Re: NM State Senate District 39 Vacancy

Dear Mr. Flores:

This letter is in response to the announcement by [now-former] State Senator Phil Griego of his immediate resignation from the New Mexico State Senate and the creation of a vacancy.

As reflected on my resume, for the past six-plus years, I have been in private practice, most of which as a solo practitioner. I have a fairly extensive litigation background, mostly in consumer and bankruptcy matters, but also with respect to New Mexico's Inspection of Public Records Act and to a lesser degree, employment law. I practice in state and federal district courts, U.S. Bankruptcy Court, as well as in NM Metro and Magistrate Courts.

Prior to entering private practice however, I was an Assistant Attorney General under then-Attorney General Patricia Madrid. I worked hard to protect New Mexicans and New Mexico taxpayers. For example, I investigated, then sued the now-defunct Zangara Dodge, Inc. and its owner, Ken Zangara. During the course of my investigation, conducted in conjunction with the Motor Vehicle Division ("MVD"), it came to light that Zangara Dodge had not paid gross receipts taxes on the vehicles it had sold for nearly a year. I also discovered that Zangara Dodge had been overcharging New Mexico residents for vehicle registration fees -- turning over approximately 40% to the MVD, while pocketing the rest for itself. Faced with certain irrefutable evidence, Zangara Dodge quickly settled the case, resulting in payment of the past-due gross receipts taxes -- to the tune of \$750,000 (approx.) -- plus approximately \$350,000 in restitution directly to New Mexico residents who had been overcharged by Zangara Dodge, and \$100,000 to the Attorney General's Office as reimbursement for attorneys' fees and costs, as well as the creation of a fund for future consumer protection efforts.

In addition to my duties as a litigator for the Office of the Attorney General, I was appointed by Attorney General Patricia Madrid as a legislative liaison to New Mexico's Legislature. For four years, I spent each legislative session at the Roundhouse. Not only did I analyze bills, testify before innumerable legislative committees, but I also lobbied legislators. Along the way, I became relatively familiar with the workings of our state legislature, both House and Senate. I also came to know many of our state legislators

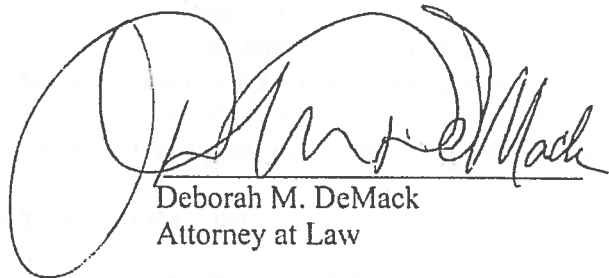
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As a consumer law attorney, I have come to focus on abusive debt collection practices by third-party debt-buyers. For example, I defended a consumer against an abusive debt buyer in a debt-collection action. Ultimately, I brought class-action counterclaims. After three-and-a-half years of litigation, the case settled, resulting in a settlement valued at approximately \$1.6 million to New Mexico residents, and a *cy pres* award of \$10,000 to the Access to Justice campaign.

My experience in working with our legislators sparked my interest in workings of our government. My experience in working for the Attorney General's Office imbued in me a deep devotion to working on behalf of the citizens of New Mexico. I believe that my background, experience and knowledge, and dedication to working on behalf of the citizens of this state makes me well-suited for the position of State Senator. I would welcome the opportunity to discuss my background and interest in the State Senate seat with you. Please feel free to call me at either

Thank you for your time and interest.

Sincerely yours,



Deborah M. DeMack  
Attorney at Law

Enclosures

**Deborah M. DeMack**

**ATTORNEY WORK EXPERIENCE**

**LAW OFFICES OF DEBORAH M. DEMACK, Albuquerque, NM** 1/09 to present  
*Areas of Practice:* Consumer bankruptcy (Chapter 7 and Chapter 13) and consumer law (unfair and deceptive trade practices, debt collection abuse/defense, foreclosure defense, repossessions, garnishments).

**LAW OFFICE OF GEORGE "DAVE" GIDDENS, P.C., Albuquerque, NM** 6/14 - 2/15  
*Areas of Practice:* Bankruptcy (consumer and business), debt collection defense, commercial litigation, and real estate.

**OFFICE OF THE ATTORNEY GENERAL, Santa Fe, NM** 7/02-8/08  
*Assistant Attorney General, Consumer Protection Division:* Investigated consumer complaints alleging unfair or deceptive business practices, and prosecuted violators of the state's Unfair Practices Act and other laws. Issued Civil Investigative Demands, and enjoined unlawful business practices. Advised and assisted Consumer Advocates concerning disputes between consumers and businesses. Acted as legislative liaison on behalf of the Office of the Attorney General, analyzed legislation, testified before legislative committees, drafted legislation, advocated for or against particular legislation. Engaged in community outreach.

**OTHER LEGAL EXPERIENCE**

**OFFICES OF FRANÇOIS SORBA, San Mateo, CA** 8/01-10/01  
*Law Clerk:* Researched and wrote legal opinions and memoranda of law. Drafted pleadings and discovery requests. Issues included land use, zoning, water and property rights, and torts.

**OFFICE OF THE CITY ATTORNEY, Alameda, CA** 10/00-6/01  
*Law Clerk:* Researched and wrote legal opinions and memoranda of law for the City Council, municipal departments and agencies. Issues included civil rights, constitutional law, land use, public works, Americans with Disabilities Act, Public Records Act, torts and taxation. Assisted with the preparation of pleadings, resolutions, ordinances, writs of execution, judgments, and land use agreements. Prepared correspondence; drafted answers regarding legal requirements and procedures concerning the Municipal Code, state statutes.

**DISTRICT ATTORNEY'S OFFICE, MARIN COUNTY, San Rafael, CA** 8/00-6/01  
*Law Clerk:* Researched and wrote motions and memoranda of law, including oppositional motions to motions to suppress evidence, speedy trial motions, motions to sever, deferred entry of judgment, and writs of *habeas corpus*. Reviewed case files, pleadings, police reports, warrants, court orders, affidavits, motions, and other legal documents.

**UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA, Reno, NV** Summer 1999  
*Judicial Extern, U.S. District Judge David W. Hagen:* Researched and wrote judicial opinions and orders as well as bench memoranda. Issues included civil rights, environmental laws and regulations, civil and criminal procedure. Attended oral arguments, hearings, trials, and sentencings.

**DISTRICT ATTORNEY'S OFFICE, SAN MATEO COUNTY, So. San Francisco, CA** Summer 1998  
*Law Clerk:* Researched and wrote motions and memoranda of law, including speedy trial motions, motions to set aside guilty pleas, and motions in opposition to motions to suppress evidence. Interviewed and

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examined witnesses. Argued motions, represented the prosecution at bench trials, restitution and probation violation hearings.

### **RELATED LEGAL EXPERIENCE**

**SHEARMAN & STERLING**, San Francisco, CA

3/96-5/98

*Legal Assistant:* Assisted with the documentation and closing of mergers and acquisitions, syndicated credit facilities and other structured financial transactions. Conducted corporate due diligence. Prepared filings for the SEC, Patent and Trademark Office and other regulatory agencies. Drafted and filed articles of incorporation, resolutions, bylaws, and other corporate documents. Conducted public record searches.

### **EDUCATION**

**University of San Francisco School of Law**

Juris Doctor

*Public Interest Law Scholar*

**The University of Chicago**

Master of Arts, History

**University of California, Berkeley**

Bachelor of Arts, History, with Honors

### **LICENSURE**

New Mexico Bar License #14965

10<sup>th</sup> Circuit Court of Appeals

United States District Court, District of New Mexico

### **PROFESSIONAL ORGANIZATIONS**

National Association of Consumer Bankruptcy Attorneys

National Association of Consumer Advocates

New Mexico Foundation for Open Government

### **VOLUNTEER ORGANIZATIONS**

First Judicial District Access to Justice Committee

Bankruptcy Workshop, Bankruptcy Law Section, State Bar of New Mexico

*References available upon request*

