

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

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STATE OF RHODE ISLAND, by and )  
through Attorney General Peter F. Neronha )  
 )  
*Plaintiff,* )  
 )  
v. )  
 )  
J.M.Z. Auto Sales, Inc. d/b/a King Philip )  
Motors, Tammy DeAlmeida, and Neil )  
DeAlmeida, )  
\_\_\_\_\_  
*Defendants.*

C.A. No.: PC-2024-\_\_\_\_\_

**COMPLAINT**

The State of Rhode Island *ex rel.* Peter F. Neronha, Attorney General, for its Complaint against Defendants states:

**I. INTRODUCTION**

1. This is a consumer protection action brought to redress and restrain violations of the Rhode Island Deceptive Trade Practices Act (“DTPA”), R.I. Gen. Laws §§ 6-13.1-1, *et. seq.*

2. Defendant King Philip Motors (“KPM”), Tammy DeAlmeida, and Neil DeAlmeida (together, “Defendants”), have engaged in a pattern of unfair and deceptive trade practices targeted at Rhode Island consumers.

3. Specifically, Defendants have engaged in the sale and advertising of potentially unsafe vehicles to unsuspecting consumers, which can lead to dire consequences for consumers who are put in a potentially dangerous situation.

4. For years, Defendants routinely sold and advertised vehicles for sale before they passed a required state safety inspection in direct violation of the DTPA and Division of Motor Vehicles (“DMV”) Rules and Regulations.

5. According to consumers, when they raise these issues with Neil DeAlmeida, he has blamed the consumer or other mechanics, screamed profanities, and, on at least one occasion, become physically threatening.

6. For example, as detailed below, KPM sold one consumer a vehicle which almost immediately required repair that prevented him driving it. After the DMV launched an investigation, KPM eventually agreed to buy the vehicle back.

7. Defendants knew that this vehicle had significant, unaddressed issues – including that it had a defective motor in need of replacement – but still chose to turn around and sell this unsafe vehicle to another consumer.

8. KPM continued to advertise vehicles for sale without obtaining the required state safety inspection sticker, despite repeated warnings and sanctions from the DMV.

9. Given this pattern of unfair and deceptive conduct, the Attorney General now seeks court intervention to enforce the DTPA, enjoin this type of unfair and deceptive sales activity, provide monetary relief to consumers, and impose civil penalties for Defendants' misconduct.

## **II. PARTIES**

10. Rhode Island Attorney General Peter F. Neronha is authorized to bring this action on behalf of the State of Rhode Island by R.I. Gen. Laws §§ 6-13.1, *et seq.* and R.I. Gen. Laws § 5-65-10(b).

11. Defendant King Philip Motors is a Rhode Island Domestic Profit Corporation registered with the Rhode Island Secretary of State as J.M.Z. AutoSales Inc. It operates a motor vehicle dealership at its primary address of 331 Metacom Avenue, Bristol, RI 02809.

12. Defendant Tammy DeAlmeida is the corporate secretary of KPM.

13. Upon information and belief, Defendant Tammy DeAlmeida co-manages the sales and accounting segments of KPM.

14. Defendant Neil DeAlmeida is the vice president of KPM.

15. Upon information and belief, Defendant Neil DeAlmeida manages the service segment of KPM and co-manages the sales segments of KPM with Tammy DeAlmeida.

### **III. JURISDICTION AND VENUE**

16. This Court has subject-matter jurisdiction over this matter pursuant to R.I. Gen. Laws § 6-13.1-5.

17. This Court has personal jurisdiction over KPM because it has its principal office and significant business operations in Rhode Island.

18. This Court has personal jurisdiction over Tammy DeAlmeida because, upon information and belief, she is a Rhode Island resident. Tammy DeAlmeida exercises control over KPM, including a direct role in its sales and accounting functions in Rhode Island, and regularly conducts the business activities which are at issue in this Complaint.

19. This Court has personal jurisdiction over Neil DeAlmeida because, upon information and belief, he is a Rhode Island resident. Neil DeAlmeida exercises control over KPM, including a direct for in its sales and service functions in Rhode Island, and regularly conducts the business activities which are at issue in this Complaint.

### **FACTUAL ALLEGATIONS**

20. KPM is a used car dealership operating in Bristol, Rhode Island, at 331 Metacom Avenue.

21. Defendants are licensed to operate their motor vehicle dealerships by the Rhode Island Division of Motor Vehicles (“DMV”).

22. Therefore, Defendants are subject to DMV rules and regulations, including rules and regulations related to how dealerships can advertise pricing and fees they are permitted to charge.

23. On information and belief, Neil DeAlmeida and Tammy DeAlmeida are both active in the day-to-day operation of the dealership.

24. On information and belief, both Neil DeAlmeida and Tammy DeAlmeida participate in the sales process and interact with customers. If necessary, Neil DeAlmeida makes repairs to vehicles prior to sale.

25. KPM advertises vehicles it is offering for sale online and at its place of business in Bristol, Rhode Island.

26. KPM, Neil DeAlmeida, and Tammy DeAlmeida have engaged in the practice of selling and offering for sale used motor vehicles that have not passed a state safety inspection.

27. This practice is in direct violation of the DTPA, state law governing motor vehicle sales, and the DMV's rules and regulations.

28. These violations are also knowing and willful: Defendants knew that they were offering vehicles for sale before they had been inspected and these requirements are clearly laid out in the DMV's rules and regulations, which Defendants agreed to abide by when operating a motor vehicle dealership in Rhode Island.

### **Inspection Requirements**

29. R.I. Gen. Laws § 31-38-1(b) prohibits motor vehicle dealers from selling a used vehicle unless it has been subject to a state safety inspection and an inspection sticker has been placed on the vehicle's windshield.

30. R.I. Gen. Laws §§ 31-5.3-2 and 6-13.1-19 mandate that a failure to comply with this inspection requirement is considered a deceptive trade practice pursuant to the DTPA.

31. Similarly, the DMV's rules and regulations prohibit dealers from offering used vehicles for sale unless they have a valid state inspection sticker on the vehicle's windshield. *See* Rhode Island Code of Regulations ("RICR") 30-20-1.6(R).

Sale of Motor Vehicles Before an Inspection

32. Defendants have, for years, engaged in the practice of selling motor vehicles before they passed a state safety inspection.

33. This practice can have significant consequences for consumers, such as leading to lengthy delays before the vehicle can be legally operated and retrieved by the purchaser or, if KPM allows them to take possession of the vehicle, leading to a consumer driving a potentially unsafe, illegal vehicle.

34. [REDACTED]

[REDACTED]

35. For example, **Consumer A** purchased a GMC Acadia on April 14, 2021 from KPM. *See* Complaint to AG’s office dated May 6, 2021. A redacted copy of this consumer’s complaint against KPM is attached hereto as Exhibit A (“Ex. A”).

36. [REDACTED]

[REDACTED]

37. According to Consumer A, immediately after purchase, the vehicle’s check engine light came on which, upon and information and belief, typically prevents a vehicle from passing a state inspection.

38. According to Consumer A, the vehicle died at a traffic light while Consumer A’s 16-year old child was driving it home from school the next day.

39. According to Consumer A, when KPM retrieved the vehicle purportedly for the purpose of making repairs, Mr. DeAlmeida accused the consumer of letting the tank run out of gas and breaking the fuel pump.

40. On May 5, 2021, according to his complaint, Consumer A picked up the vehicle from KPM but the Acadia’s check engine light came on within minutes. When Consumer A called Mr. DeAlmeida

to report the issue, he began “screaming” and told the consumer “you can take the car and shove it up your a\*\*.”

41. At that point, KPM refused to continue to service the vehicle, and Consumer A brought it to another repair shop which concluded that the engine was failing.

42. On May 17, 2021, Consumer A complained to the Rhode Island Division of Motor Vehicles Dealers License and Regulations Office (the “Dealers Board”).

43. After the complaint was filed with the Dealers Board, Mr. DeAlmeida took the vehicle to Tasca GMC in Woonsocket, Rhode Island on July 14, 2021 to be inspected by their mechanics.

44. Tasca GMC also identified the same issue and advised that an engine replacement was necessary.

45. KPM repurchased the car before the Dealers Board rendered a decision.

46. A few months later – without replacing the engine and before the vehicle successfully passed a safety inspection – Defendants turned around and sold the vehicle to another unsuspecting consumer.

47. On February 1, 2022, KPM sold the defective GMC Acadia to **Consumer B** without an inspection sticker and, upon information and belief, without disclosing the vehicle’s prior history.

48. [REDACTED]

49. Consumer B was immediately impacted by issues with the vehicle, for which Defendants refused to take responsibility.

50. When Consumer B brought the vehicle to KPM for repairs, Mr. DeAlmeida again refused to take responsibility for the issues, blaming another business for failing to replace the motor oil during an oil change (although video evidence showed that the other business did fill the engine with oil). Instead of assisting the consumer, he ordered her to remove the vehicle from KPM’s property.

51. Eventually, Consumer B filed a complaint with the Dealers Board and, on August 15, 2022, the Dealers Board found that KPM had engaged in an unconscionable business practice by willfully and knowingly selling Consumer B a vehicle with a defective motor in need of replacement. KPM was ordered to pay the consumer the full purchase price of the vehicle. *See* Decision of the Motor Vehicle Dealers License and Hearing Board on that date, Exhibit B (“Ex. B”).

52. Similarly, **Consumer C** purchased a 2011 Jeep Grand Cherokee from KPM in May of 2022. *See* Complaint to AG’s office dated July 7, 2022. A redacted copy of this consumer’s complaint against KPM is attached hereto as Exhibit C (“Ex. C”).

53. [REDACTED]

54. Consumer C stated that, after he purchased the vehicle, the check engine light came on while he was driving the vehicle home.

55. According to the consumer, he attempted to have the vehicle repaired nine times over 12 weeks. When KPM eventually brought the vehicle to a Jeep dealership for a diagnosis, Defendants refused the recommended service.

56. When Consumer C confronted Mr. DeAlmeida about these issues and filed a complaint with the Dealers Board, Consumer C stated that Mr. DeAlmeida became physically threatening, said he wouldn’t “pay a bunch of kids at the Jeep dealer to chase ghosts,” and that Consumer C “can contact a lawyer or dealer board [sic], but they can’t do a thing about it.”

57. In August of 2021, **Consumer D** put down a \$1,000.00 deposit for a 2006 BMW 650 from KPM.

58. According to Consumer D, he put down a deposit to purchase the vehicle prior to the vehicle passing a state safety inspection and only agreed to make the purchase after Defendants agreed to make repairs.

59. Several weeks went by without repair, and Consumer D was forced to request a full refund.

**Defendants Continued to Advertise Vehicles Without an Inspection Sticker**

60. Despite significant enforcement action from the DMV, Defendants continued to advertise used vehicles for sale without obtaining an inspection sticker.

61. For example, [REDACTED]

62. These vehicles were advertised on their website with the implication that they could be legally sold in Rhode Island, when the opposite is true.

63. Defendants' conduct could deceive consumers into thinking vehicles were safe and ready for sale when they were not, and lure customers away from competing businesses which are playing by the rules.

**IV. COUNTS**

**COUNT I: VIOLATION OF THE RHODE ISLAND  
DECEPTIVE TRADE PRACTICES ACT  
R.I. GEN. LAWS § 6-13.1-19 FOR SALE  
OF VEHICLES WITHOUT STATE INSPECTION**

64. Paragraphs 1 through 63 are incorporated herein.

65. Defendants' pattern and/or practice of selling vehicles to consumers when they are in an unsafe condition or have not passed inspection is an unfair method of competition, and an unfair and deceptive act. R.I. Gen. Laws § 6-13.1-2.

66. Defendants' conduct of selling vehicles prior to state inspection is forbidden by law and regulation, and therefore violates the public policy of the state of Rhode Island as reflected in statute and the DMV's rules and regulations. See R.I. Gen. Laws §§ 31-5.3-2; § 31-38-1(b), 280 RICR 30-20-1.6(R).

67. Defendants' conduct is also a direct violation of the DTPA, which specifically prohibits the sale of used motor vehicles without a state inspection. See R.I. Gen. Laws § 6-13.1-19.



**COUNT II: VIOLATION OF THE RHODE ISLAND  
DECEPTIVE TRADE PRACTICES ACT  
R.I. GEN. LAWS § 6-13.1-2 FOR ADVERTISING VEHICLES  
FOR SALE PRIOR TO STATE INSPECTION**

68. Paragraphs 1 through 67 are incorporated herein.

69. Defendants' pattern and/or practice of misrepresenting that vehicles are available for sale when they have not passed inspection is unfair and deceptive act to consumers. *See* R.I. Gen. Laws § 6-13.1-1(6)(xiii).

70. Defendants' misleading sales solicitations cause a likelihood of confusion or misunderstanding as to the status of the vehicle they intend to purchase. *See* R.I. Gen. Laws §§ 6-13.1-1(6)(iii) and (xii).

71. Defendants' conduct is also unfair or deceptive to consumers. *See* R.I. Gen. Laws §§ 6-13.1-1(6)(xiii).

72. Therefore, Defendants engaged in unfair acts or practices in the conduct of trade or commerce, in violation of R.I. Gen. Laws § 6-13.1-2, as defined by R.I. Gen. Laws § 6-13.1-1(6).

73. Defendants' conduct violates public policy of the state of Rhode Island, as reflected in the DMV's rules and regulations, RICR 280-30-20 § 1.9(B)(6).

**V. PRAYER FOR RELIEF**

WHEREFORE, the State of Rhode Island requests that this Honorable Court, after trial on the merits, grant the following relief:

- A. Enter an order permanently enjoining all Defendants from advertising and/or selling motor vehicles for sale prior to their passing of a state inspection.
- B. Order Defendants to pay a civil penalty of up to ten thousand dollars (\$10,000.00) per violation of the Deceptive Trade Practices Act as provided by R.I. Gen. Laws § 6-13.1-8.
- C. Order Defendants to pay the State's costs and attorneys' fees.
- D. Order Defendants to pay equitable monetary relief to consumers.
- E. Order any other relief that the Court deems appropriate.

Respectfully submitted,

**STATE OF RHODE ISLAND:**

**PETER F. NERONHA,  
ATTORNEY GENERAL;**

By His Attorneys:

/s/ Alex Carnevale

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**CERTIFICATION OF SERVICE**

I, the undersigned, hereby certify that on the 25th day of January 2024, I filed this document electronically and it is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Meghan Spooner