

THE HAMILTON SPECTATOR

TUESDAY, NOVEMBER 28, 2006 ♦ THESPEC.COM

WEATHER

High: 12
Low: 5 (morning)
Cloudy and mild,
a shower tonight.
Full details: **Go 2**



Record \$1m fine handed to Great Glasses

BY STEVE BUIST

The man behind southern Ontario's Great Glasses empire has been fined a record \$1 million for blatantly violating a court order for three years.

Bruce Bergez, a Dundas optician, has been found guilty of civil contempt for ignoring a 2003 order that requires Bergez and the Great Glasses stores to comply with Ontario legislation that governs the prescribing and dispensing of eyeglasses and contact lenses.

The fine handed down by Superior Court Justice David Crane is believed to be the highest fine for civil contempt ever handed out in a Canadian court — twice as large as the previous record.

Crane also ruled that Bergez — along with his wife Joanne and three companies that were found in contempt — will be fined \$50,000 from now on "for each and every day that the respondents are not in compliance with the judgment."

Ontario law requires eyeglasses and contacts to be properly prescribed by an optometrist or physician, and properly dispensed by an optician.

About 80 per cent of Great Glasses' prescriptions are generated by a computerized machine without the input of an optometrist or physician, and Bergez is the only registered optician for the entire 17-store chain.

Crane called the conduct of Bergez "highly provocative, arrogant and egregious."

"All those customers of Great Glasses that have been deprived of an eye examination as performed by an ophthalmologist or optometrist have been put at risk of continuing undiagnosed eye disease," Crane wrote in his decision.

Bergez, who represented himself in the contempt case, indicated in a brief e-mail to The Spectator that he intends to appeal the judgment. He did not comment further.

The massive penalty against Bergez comes on the heels of a recent decision by the College of Opticians to suspend his certificate to practice as an optician. The college has also filed notice to every Great Glasses franchisee that the college is seeking a court order that will prevent the stores from operating without an optician, optometrist or physician on duty.

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▶ **RELATED STORY:** Great Glasses judgment called a vindication for law-abiding businesses. **A10**



You've come a long way

BABIES

And now we are two:
Checking up on Mac's
preemie miracles



Hajna Perlaky, a pretty little girl born 17 weeks early, is like any average two-year-old. And therein lies the problem.

CATHIE COWARD, THE HAMILTON SPECTATOR

BY JOANNA FRKETICH

Hajna Perlaky's parents could have pulled the plug.

They were given a choice to end her tiny life more than once. Those keeping her alive questioned if they should save a preemie with so little hope.

She was 17 weeks early, weighed one pound, four ounces, couldn't breathe without machines, and was bleeding in her brain. Odds were she'd die anyway.

Her parents were told that, if by some miracle she lived, she would be blind, deaf and profoundly disabled.

"I never once asked God to make her perfect or normal," said her dad, David Perlaky. "I asked him to help me handle whatever we got."

What they got is a charming little girl who today walks, talks, plays and has temper tantrums like any ordinary tot.

Two years ago, The Spectator told the story of Hajna and four other preemies fighting for life in the neonatal intensive care unit (NICU) at McMaster Children's Hospital — Canada's largest and most modern.

All lived. All are healthy. All, so far, are normal.

But where their struggle ends, society's begins. Their stunning successes raise uncomfortable questions about how much risk is worth the rare reward.

"This is a social issue as much as a medical one," said Dr. Peter Steer, president of the children's hospital.

The cold hard facts can't be ignored. Two in three babies born as early as Hajna die. Half of those who live have lifelong impairments.

"If kids end up physically or intellectually disabled, are we signed on to provide what they need?" asked Steer.

"Families have to care for them. They get to take them home. So we have to sign up as a community to make sure resources are available to support that. I'm not sure we're there yet."

It's the biggest moral dilemma faced in the NICU, and one that's only harder as rapidly advancing technology allows smaller and more premature babies a chance at life.

But what kind of a life? While survival is improving, odds against severe disabilities are not. Judgments need to be made about what is an acceptable quality of life.

These are decisions made more murky by McMaster studies showing that preemies as a group exceed all expectations, by graduating from school, getting jobs, living independently and, most shocking, rating their quality of life the same as full-term babies

despite their disabilities.

That leaves parents, medical professionals and, ultimately, society with an excruciating question: Which babies are worth saving?

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▶ **RELATED STORY:** Hajna, Julian, Daniella, Adam and Ashley, average kids with above average beginnings. **Go 4-5**



Canadian soldiers die in Taliban suicide attack

BY BILL GRAVELAND

KANDAHAR ♦ Six weeks of relative peace for Canadians in Afghanistan ended yesterday with a suicide bombing that killed two soldiers.

Soldiers on board a Bison armoured vehicle had just left Kandahar airport on patrol when an explosives-filled car pulled alongside them and blew up. Two soldiers were killed, but the rest of the crew escaped unharmed.

The identities of the dead soldiers had not yet been officially released but they were both from the Royal Canadian Regiment based in Petawawa.

The Niagara Falls Review identified one soldier as Albert Storm, 36, a father of two, formerly of Fort Erie.

Storm's older brother, George, said

from his home in Kenora that he was informed of his brother's death "in the wee hours of the morning" when a colonel knocked on his door.

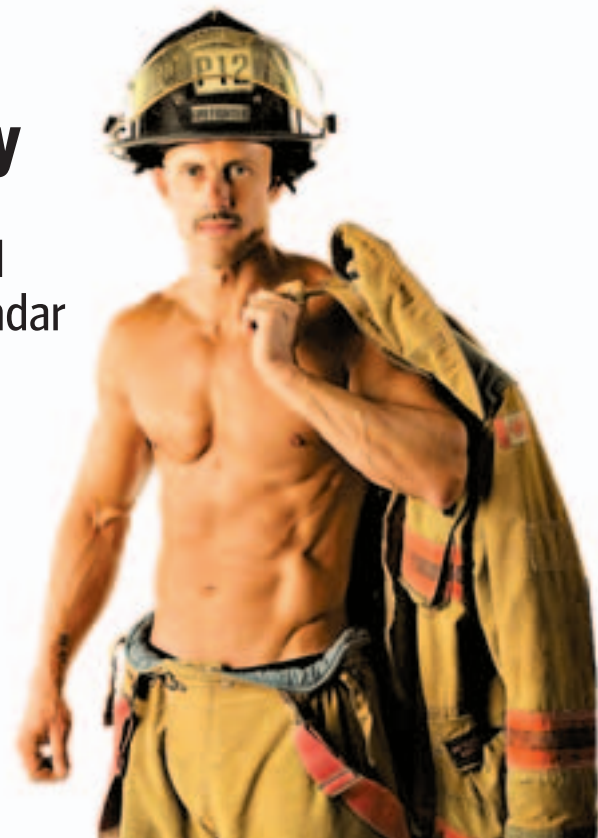
The other soldier reported killed was Regimental Sergeant Major Bob Girouard. Girouard had lived in Owen Sound for about five years and was stationed at Meaford before moving to Petawawa. He was married and had three children.

Brigadier-General Timothy Grant, commander of Canadian Forces in Afghanistan, called the bombing an "act of desperation" by the Taliban.

The death toll among Canadian troops in Afghanistan since 2002 stands at 44, along with one diplomat. Thirty-six have died in 2006.

The Canadian Press

Meet Mr. May Firefighter's fab abs land him in calendar Go 6



YOUR FAVOURITE PLACES

Bridge/Chess.....Go 11
Business.....A12
Comics.....Go 15
Crossword.....Go 15
Dear Abby.....Go 7
Horoscopes.....Go 7
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