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Great Glasses faces more legal woes

By Michael-Allan Marion

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Local News - Regulatory health authorities continue to sharpen their focus on the Great Glasses optical chain.

The College of Opticians of Ontario has obtained an interim order from a Toronto judge requiring all operators of Great Glasses franchises, including one in Brantford, to comply with provisions of the Regulated Health Professions Act by ensuring that an optician is on duty at each store to dispense eyeglasses and contact lenses.

A date will be set later for a hearing to determine if the order should be made permanent.

Superior Court Justice Nancy Spies also ordered the franchises to identify their operators to the college by Wednesday.

Cathi Mietkiewicz, president of the opticians college, said Wednesday the organization will continue to push to see the order is upheld.

"If there's not an optician on duty, there can be no dispensing," Mietkiewicz said.

Bill Duncan, the acknowledged operator of the Brantford Mall outlet on King George Road, could not be reached for comment Wednesday about how he will respond to the order.

"I'm glad the college has succeeded in getting this order," said Charles Lee, a partner in the Optic House on King George Road. "By doing what he's doing, (chain owner Bruce Bergez) is saying to opticians, 'your licence is worth nothing.'"

Spies issued the interim order covering all 18 Great Glasses franchises in southern Ontario after lawyers for the college presented concerns about the chain's practices. The college believes Bergez and the franchises are in violation of the act because they don't have an optician on duty at each store.

Great Glasses argues that opticians in Ontario are allowed to delegate their authority to dispense to anyone, regardless of whether an optician is on site or not.

The latest court ruling comes a month after a Hamilton judge levied a \$1-million fine against Bergez, his wife Joanne and three related corporations after they were found in contempt of violating a 2003 court order requiring the stores to comply with provincial regulations governing the prescribing and

dispensing of eyeglasses and contacts.

The fine was the largest ever imposed in Ontario for a contempt ruling.

Bergez has appealed the fine and the contempt ruling.

Bergez has been in trouble with the opticians college on two other occasions. In 2003, he admitted his guilt to three counts of professional misconduct, including engaging in conduct regarded as disgraceful, dishonourable or unprofessional, and dispensing eyeglasses without the prescription of an optometrist or a physician.

He was given a reprimand, an \$8,000 fine and a four-week suspension, and conditions were placed on his licence to continue practising as an optician.

In January 2005, Bergez was convicted of employing a person who dispensed glasses without being "authorized by a health profession." Bergez was fined \$4,200 and placed on a year's probation.

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