

# Ont. optician fined \$1-million

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HAMILTON — The primary optician with southern Ontario's Great Glasses chain has been fined \$1-million for blatantly violating a court order for the past three years.

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

The \$1-million 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.

Justice Crane also ruled that Mr. 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.”

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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 Mr. Bergez is the only registered optician for the entire 17-store chain.

Justice Crane called the conduct of Mr. Bergez “highly provocative, arrogant and egregious.”

The judge said he was worried about the eye health of Great Glasses' customers.

“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,” Justice Crane wrote in his decision.

Mr. Bergez, who represented himself in the contempt case, has indicated that he intends to appeal the judgment.

The penalty against Mr. Bergez comes on the heels of a recent decision by the College of Opticians to suspend his certificate to practice as an optician.

On Nov. 16, the college announced that Mr. Bergez has been suspended until the Discipline Committee deals with allegations he committed professional misconduct. The College of Opticians has also filed notice to every Great Glasses franchise in southern Ontario 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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