

Optician fires out at Pearle

By ARLENE VANDERLEUN

Some might brand Russell Smith a malcontent. Others may say he is fighting against a "moral wrong."

Smith is an optician who currently manages the optical department at Naum's department store in Westland. He used to work with the Pearle Vision Centers until he was fired last August.

As an optician, Smith makes eye-glasses. Following his dismissal, Smith wrote letters to the Federal Trade Commission and the Michigan Attorney General's office, charging that Pearle "incorrectly" filled eyeglass prescriptions by substituting prescribed lenses with ones available in stock.

The Michigan Department of Licensing Regulation currently is investigating Pearle. That investigation is expected to be completed in about a month.

In turn, Pearle is suing Smith for libel and slander.

That lawsuit, which is pending in Wayne County Circuit Court, charges that Smith did "immediate and irreparable damage" to Pearle in making his accusations.

Pearle operates 23 stores in Michigan, including branches in Garden City, Canton Township, Southfield and Livonia. They are among 450 such stores across the country operated by Searle Optical Inc., a division of the Chicago-based pharmaceutical firm of G.D. Searle and Co.

"I did what was right," said Smith, 39, who has worked as an optician for 14 years, including a three-year stint in the optical department at Westland Shopping Center's Hudson store.

Smith, who is represented by Garden City attorney Ronald DeLamille, said his actions are a moral thing.

"It's morally wrong to take advantage of people," said Smith.

Specifically, the controversy revolves around practices which Smith alleges took place when he was employed for 20 months by Pearle Vision Centers.

Smith said he was manager of a Southgate branch for 16 months when he was asked in February 1978 to

transfer to a Belleville outlet. While there, Smith says, Pearle management began "pushing hard" for opticians to keep expenses down by filling written prescriptions with lenses in stock, even when they didn't meet the patients' requirements.

In August, Smith gave notice he was quitting. Management responded by firing him.

A few days later, Smith picketed the Belleville store in a dispute over holiday and vacation pay to which he claims he was entitled. "Don't Shop, Don't Stop," said the signs which Smith carried.

Pearle then offered to pay Smith money to sue him if he would agree "not to make or otherwise cause to be made any derogatory statement concerning the business of Pearle Vision Center."

Smith refused to sign an agreement to that effect. He subsequently sent letters to the Federal Trade Commission, the Attorney General's office and a trade journal, "Optometric Management."

Smith charged in his letters that Pearle employees are instructed by regional managers to fill prescriptions with lenses other than prescribed by the doctor if the prescribed lenses aren't available in stock.

Ed Porter, counsel for Searle Optical Inc., which owns Pearle, said that Smith's accusations are untrue. He added that Smith was fired because "several weeks prior to the dispute" he intimated he was going to quit but didn't say when.

"We don't have company policy as alleged by Mr. Smith," said Porter from his Dallas headquarters. "The accusations are new to us. They only arose after the dispute over his pay."

On Nov. 30, Pearle Vision filed a \$10,000 libel and slander suit in Wayne County Circuit Court against Smith. At the same time, Pearle requested and was granted a temporary restraining order enjoining Smith from talking about his experiences with the optical chain.

While the lawsuit still is pending, Wayne County Circuit Court Judge

John O'Hara in January dissolved the restraining order enjoining Smith from talking.

"I argued that it was a violation of (Smith's) First Amendment right to free speech," said attorney DeLamille.

In the meantime, the director of the complaint analysis office of the Michigan Department of Licensing and Regulation said the investigation of Smith's charges may be completed in about a month.

The agency, which has subpoena power, will determine if any Pearle employees have violated Michigan laws governing optometric and health procedures.

If there is enough evidence, formal complaint by the state Attorney General's Office could follow. The case also could go to a formal hearing before the Michigan Board of Optometry.

"It's definitely not a snap procedure," said Robert Ullery, head of the complaint analysis office.

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High school and college students from across the state will get professional tips on how to become involved in politics at a May 18-21 conference at Oakland University in Rochester.

Professional campaign managers, advertising specialists, pollsters and politicians will address the student participants.

Workshops will vary from general information sessions to specific topics on shaping the image of a candidate, running the campaign, fund raising, and media and advertising promotion.

The conference is sponsored by Repolitic, the student non-partisan political education committee at Oakland University.

The many guest speakers and topics include Paul Wilson, vice president of Baily, Deardouff and Associates.

"Campaign Advertising" former Michigan Gov. George Romney, "Youth in Politics and Volunteerism," Alex Gage, senior political analyst, Market Opinion Research, "Strategies in Political Campaigns," and Harold Stassen, "The Change in Presidential Politics."

Others include State Rep. Ruth McNamee, "The Importance of State Politics," L. Brooks Patterson, "How to Get a Proposal on the Ballot," and Keith Hartwell, director of the Republican state Senate staff, "How to Shape the Image of the Candidate."

The cost of the conference is \$25 including lodging or \$15 for commuters. All workshop sessions will be in the Oakland Center on campus. Registrations are requested by April 16. For a complete program and registration information call Repolitic at 377-4280.

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