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(1930-1979)
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(1954-1998)

October 24, 2012

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Attention: Sarah Juris

Dear Ms. Juris:

This law firm is legal counsel to the Operative Plasterers and Cement Masons International Association ("OPCMIA" of "Union"), an international labor organization. The OPCMIA sponsors a federal political action committee (Plasters' and Cement Masons' Action Committee) which is registered with the Federal Election Commission (FEC # C00134742). The OPCMIA has also established a segregated political account under Section 527 of the Internal Revenue Code. This account is funded solely by a portion of the membership dues paid by the OPCMIA's members to the Union. This account was established solely for internal operation and tax purposes and is used by the OPCMIA to make political expenditures in connection with federal, state and local elections. It does not make contributions to federal candidates. At this time it has made no independent expenditures in connection with federal elections and does not anticipate making any such expenditures. The Union has previously registered this account only with the IRS. This segregated account has been given the name "OPPAC" or "Plasterers, Cement Masons & Shop Hands Political Action Committee." It has never operated or been registered as a political action committee as this term is commonly understood and has been so named primarily so the Union's members understand that the account will be used for political purposes. It has its own EIN and is one of several separate bank accounts of the Union.

The OPCMIA has made contributions and is anticipating making additional contributions to one or more so called "Super PACs" that are engaged in non-coordinated independent expenditures in connection with federal elections. Because the OPCMIA will make these contributions in its own name from its dues-funded political account - OPPAC - it initially concluded that it need not register with the FEC. We have found nothing in the FEC rules or guidance that requires the union to register and this has been confirmed by phone calls to FEC staff members. However, a Super PAC to which the OPCMIA wants to make a contribution has

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FEDERAL ELECTION COMMISSION
PUBLIC DISCLOSURE DIVISION

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taken a contrary view and has strongly urged the OPCMIA to register with the FEC if it is going to make a contribution to the Super PAC and if the "major purpose" of the OPCMIA's political account is to make contributions to influence federal elections. If the "major purpose" test is the applicable test and if it is applied to the political account as opposed to the Union, it would be met because a majority of the assets of the political account in 2012 will be contributed to one or more independent expenditure Super PACs which are participating in federal elections. However, the expenditures would not meet the major purpose test if applied to the Union as a whole as the contributions to the Super PAC(s) are an insignificant percentage of the Union's overall expenditures.

Again, the OPCMIA is filing its political account with the FEC only because it has been told to do so by a committee to which the OPCMIA is anticipating making a contribution. It is filing even though it can find no support for this in the FEC's guidance and none of the available FEC forms seem to fit the OPCMIA's situation. Accompanying this letter is a Form 1 Statement of Organization filed by the OPCMIA on behalf of its political account. Assuming this Statement is accepted, the OPCMIA will file Forms 3X Report of Receipts and Disbursements as required. The OPCMIA has asked us to prepare this letter which it will file with the Statement of Organization because it wants to make clear that this account is a dues-funded account and will be making contributions to independent expenditure committees only. It is filing only out of an abundance of caution and will withdraw its registration if the FEC so confirms that it is not required.

Sincerely,



Francis J. Martorana

cc: Patrick Finley
Brian Powers
Richard Cox

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FEC FORM 1

STATEMENT OF ORGANIZATION

RECEIVED

2012 NOV 8 PM 9:13

1. NAME OF COMMITTEE (in full)



(Check if name is changed)

Example: If typing, type over the lines.

12 FEDERAL MAIL CENTER

PLASTERERS, CEMENT MASONS & SHOP HANDS POLITICAL ACTION COMMITTEE

ADDRESS (number and street)

1720 BELTSVILLE DRIVE



(Check if address is changed)

SUITE 700

BELTSVILLE

CITY

MD

STATE

20705

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS



(Check if address is changed)

OPCMIAINTL@OPCMIA.ORG

Optional Second E-Mail Address

COMMITTEE'S WEB PAGE ADDRESS (URL)



(Check if address is changed)

2. DATE

10 / 24 / 2012

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer EARL F. HURD

Signature of Treasurer

Earl F. Hurd

Date

10 / 24 / 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 06/2012)

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5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation Office Sought: House Senate President State District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	_____	FEC ID number	<input checked="" type="checkbox"/>
2.	_____	FEC ID number	<input checked="" type="checkbox"/>
3.	_____	FEC ID number	<input checked="" type="checkbox"/>
4.	_____	FEC ID number	<input checked="" type="checkbox"/>

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Write or Type Committee Name

PLASTERERS, CEMENT MASONS & SHOP HANDS POLITICAL ACTION COMMITTE

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

a. OPERATIVE PLASTERERS' AND CEMENT MASONS' INTERNATIONAL ASSOCIATION (CONNECTED ORG)

b. PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE (AFFILIATED COMMITTEE)

Mailing Address

11720 BELTSVILLE DRIVE

SUITE 700

BELTSVILLE MD 20705

CITY

STATE

ZIP CODE

Relationship: a. Connected Organization b. Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

EARL F. HURD

Mailing Address

11720 BELTSVILLE DRIVE

SUITE 700

BELTSVILLE MD 20705

Title or Position

CITY

STATE

ZIP CODE

TREASURER

Telephone number 301 - 623 - 1000

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

EARL F. HURD

Mailing Address

11720 BELTSVILLE DRIVE

SUITE 700

BELTSVILLE MD 20705

CITY

STATE

ZIP CODE

Title or Position

TREASURER

Telephone number 301 - 623 - 1000

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Full Name of Designated Agent

DANIEL STEPANO

Mailing Address

11720 BELTSVILLE DRIVE

SUITE 700

BELTSVILLE

CITY

MD

STATE

20705

ZIP CODE

Title or Position

ASSISTANT TREASURER

Telephone number

301

623

1000

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9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

SUNTRUST BANK

Mailing Address

P.O. BOX 622227

ORLANDO

CITY

FL

STATE

32862

ZIP CODE

2227

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
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<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked


 PREPARER

11/8/12
 DATE PREPARED

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